

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

.
BARBARA E. VARNER, .
Plaintiff, . CIVIL ACTION
 . NO. 1:CV 01-0725
vs. .
 .
COMMONWEALTH OF PENNSYLVANIA, . (JUDGE YVETTE KANE)
NINTH JUDICIAL DISTRICT, .
CUMBERLAND COUNTY; CUMBERLAND .
COUNTY; S. GARETH GRAHAM, .
Individually, and JOSEPH .
OSENKARSKI, individually, .
Defendants. .
.

Deposition of: KERRY HOUSER

Taken by : Defendants

Date : March 3, 2003, 9:24 a.m.

Before : Emily Clark, RMR, Reporter-Notary

Place : 12 West High Street
Carlisle, Pennsylvania

APPEARANCES:

DEBRA K. WALLET, ESQUIRE
For - Plaintiff

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS
BY: A. TAYLOR WILLIAMS, ESQUIRE
For - Defendant Commonwealth of Pennsylvania
Ninth Judicial District, Cumberland County

THOMAS, THOMAS & HAFFER
BY: PAUL J. DELLASEGA, ESQUIRE
For - Defendant Cumberland County

1 APPEARANCES (continued):

2 MONTGOMERY, McCracken, Walker & Rhoads, LLP
3 BY: L. KRISTEN BLANCHARD, ESQUIRE
4 For - Defendant S. Gareth Graham

5 SWEENEY & SHEEHAN, P.C.
6 BY: PAUL LANCASTER ADAMS, ESQUIRE
7 For - Defendant Joseph L. Osenkowski

8 ALSO PRESENT:

9 MS. BARBARA E. VARNER

10 MR. S. GARETH GRAHAM

11 MR. JOSEPH L. OSENKARSKI

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1 I N D E X

2 WITNESS

3	Kerry Houser	Examination
4	By Ms. Blanchard	4, 102
5	By Mr. Adams	45, 107
6	By Mr. Dellasega	57, 80, 105
7	By Ms. Williams	72, 103
8	By Ms. Wallet	81

9

10 EXHIBITS

11	Houser Deposition	
12	Exhibit Number	Page
13	1 4 pages: 2-page letter, 12/10/93, to Kenneth Bolze from Kerry Vohs; attachment	84

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1 STIPULATION

2 It is hereby stipulated by and between the
3 respective parties that signing, sealing, certification
4 and filing are waived; and that all objections except
5 as to the form of the question are reserved until the
6 time of trial.

7

8 KERRY HOUSER, called as a witness, being duly
9 sworn, was examined and testified, as follows:

10 BY MS. BLANCHARD:

11 Q. Ms. Houser, my name's Kristen Blanchard. I'm an
12 attorney for Gary Graham. I'm just going to be asking
13 a few questions today.

14 Have you ever been deposed before?

15 A. No.

16 Q. Okay. Just so you understand how a deposition works,
17 everything we say is being taken down by this nice lady
18 over here. So what that means is you need to
19 articulate your responses, can't shake your head, nod
20 your head --

21 A. I've testified in court but never --

22 Q. Okay, very good. So you understand how this works?

23 A. Right.

24 Q. Good. If at any point I ask you a question that you
25 don't understand, please ask me to repeat it, because

1 if you answer I'm going to presume that you understood
2 the question.

3 A. Okay.

4 Q. If you need a break at any point in time, let me know.
5 I'll be happy to give you one.

6 A. Okay.

7 Q. Are you on any medication today?

8 A. No.

9 Q. Okay. Any reason you wouldn't be able to answer
10 questions today?

11 A. Not that I know of.

12 Q. Okay. Be sure you speak up not only so that she can
13 hear you, but also so everyone else in the room can
14 hear. Otherwise, you're going to have a lot of people
15 asking you to repeat what you said. Okay?

16 A. Okay.

17 Q. Did you review any documents before you came to this
18 deposition today?

19 A. No.

20 Q. Not in preparation for this deposition?

21 A. For this? For me to testify? Since I got the
22 subpoena?

23 Q. Yes.

24 A. No.

25 Q. How about prior to the subpoena?

1 A. Prior to the subpoena I dug out of a file a letter
2 that, a Complaint that I had filed previously and a
3 letter that came subsequent to that from the former
4 Chief Probation Officer Ken Bolze.

5 Q. Okay. We'll get to that in a bit.

6 A. Okay.

7 Q. Did you speak with anybody prior to this deposition
8 regarding your testimony in this matter?

9 A. No.

10 Q. Have you ever spoken with Deb Wallet?

11 A. Yes.

12 Q. When did you speak with her?

13 A. I spoke to her on a Monday night, I don't know, three
14 weeks ago. It was before Barb was going to give her
15 deposition.

16 Q. Is that the only time you've spoken to Deb Wallet prior
17 to today?

18 A. Prior to today, no. Once, this would have been in 1993
19 I talked to her about a prior complaint.

20 Q. And is this the complaint that you mentioned earlier?

21 A. Um-hum, right.

22 Q. Did she represent you regarding that prior complaint?

23 A. I didn't pursue to take it any further than what
24 happened in the office.

25 Q. How many times did you meet with her regarding that

1 prior complaint?

2 A. Just once.

3 Q. And how long would you say that meeting was?

4 A. An hour.

5 Q. Did Gary Graham's name come up at all during that
6 conversation? If you can recall. I realize we're
7 going back 10 years here.

8 A. I don't think so.

9 Q. Okay. The conversation that you had with her three
10 weeks ago, was that face-to-face or was that on the
11 telephone?

12 A. On the telephone at my house.

13 Q. And how long was that conversation?

14 A. Again, I'd say an hour.

15 Q. And is she representing you now? Is she your counsel
16 now?

17 A. No. I don't have any counsel.

18 Q. What did you two talk about during that conversation?

19 MS. WALLET: Objection.

20 MR. DELLASEGA: What's the form of the objection?

21 MS. WALLET: I'll withdraw the objection.

22 THE WITNESS: She just asked about the Complaint
23 that I had filed, the background when Barbara Varner
24 and I shared an office together. Just any involvement
25 I had with Gary and Joe.

1 BY MS. BLANCHARD:

2 Q. What did you tell her about your 1993 Complaint?

3 A. I pretty much just read it to her and tried to remember
4 what had happened.

5 Q. And what did you tell her about what happened?

6 A. Why I filed it? Or what the procedure --

7 Q. Whatever it was you said to Deb.

8 A. I told her what I heard had been said and why I filed a
9 Complaint.

10 Q. And what had you heard had been said?

11 A. That females in our office were referred to as -- I
12 prefer not to say the word.

13 Q. I'm going to have to ask you to say it for the record.

14 A. We were referred as to members of the cunt club. And
15 at that time in 1993 there were very few females
16 employed in the Probation office.

17 Q. And did you actually hear the term cunt club used? Or
18 had you been told that that term was used?

19 A. I had been told by other people that it had been used.
20 I did not hear it directly.

21 Q. And from whom had you heard that that term was being
22 used?

23 A. Who said it?

24 Q. Yes.

25 A. Joe Osenkowski.

1 Q. Is Joe the person who told you that it was being used?

2 Or were you told that Joe was using that term?

3 A. I was told that Joe was using that term.

4 Q. Okay. Were you told that anybody else was using that
5 term?

6 A. No.

7 Q. Who told you that Joe was using that term?

8 A. Two people: A former probation officer, Julie Staver,
9 and Bill Brandt. Julie had heard it from Tom Boyer.

10 Q. So to the best of your knowledge, Julie didn't have
11 firsthand knowledge, she had heard it from Tom?

12 A. She heard it from Tom.

13 Q. Is there anything else that you told Deb during your
14 telephone conversation regarding your 1993 Complaint?
15 Did you tell her the outcome?

16 A. Yes.

17 Q. What was the outcome?

18 A. The outcome was that -- this was after a long, long
19 time, and all the time restraints were not met by the
20 county, I accepted an apology from Joe and a letter was
21 written by the former chief of Probation saying what
22 had happened, that -- the letter said something to the
23 effect of there was no finding of sexual harassment,
24 however, inappropriate language was used. I think
25 that's what it said, and that a copy of the letter

1 would be included in the files of the people who were
2 involved, for our protection.

3 MS. BLANCHARD: Off the record.

4 (Discussion held off the record.)

5 BY MS. BLANCHARD:

6 Q. Anything else that you can recall from your
7 conversation with Deb regarding your 1993 Complaint?

8 A. I don't recall anything specific. I think that's all I
9 could pretty much tell you or anybody about it.

10 Q. Did you at any point --

11 A. I did tell her that the day that I filed the written
12 Complaint, that was on Friday, and that next day, it
13 was a Saturday, I found out that Joe had called -- I
14 had given Joe a copy of the Complaint and I had put a
15 copy on Ken Bolze's desk and I left that day. And I
16 found out that the next morning Joe had called people
17 that I worked with, people who had worked in Probation,
18 and asked them about the Complaint, if they had ever
19 heard him say anything about women, whose side would
20 they be on, that kind of stuff, that I was going to
21 take his retirement and pretty -- he called everybody
22 in the office.

23 Q. Was Gary Graham's name mentioned in your Complaint,
24 that 1993 Complaint?

25 A. No, not to my -- I just looked at it a couple weeks

1 ago, but I don't think -- I can't imagine why Gary's
2 name would be in this.

3 Q. Did you mention to Deb during your conversation about
4 three weeks ago that Gary had anything to do regarding
5 that 1993 Complaint?

6 A. No.

7 Q. Okay.

8 A. The only -- I mean, he didn't have anything to do with
9 the Complaint. He supervised me while, during that
10 investigation.

11 Q. Did you complain about his behavior in 1993?

12 A. No.

13 Q. Okay. Did you think he was using the term cunt club in
14 1993?

15 A. No.

16 Q. Have you ever heard him use that term?

17 A. No.

18 Q. Have you ever heard that he's used that term?

19 A. No.

20 Q. You also mentioned during your conversation with Deb
21 that you discussed your background or the background
22 regarding your sharing an office with Barb Varner?

23 A. Um-hum.

24 Q. Can you tell me what you told Deb?

25 A. That she and I became decent friends. Our relationship

1 to me at first was strained, because Gary didn't speak
2 to me and Barb was kind of caught in the middle of Gary
3 doesn't speak to Kerry so I better not, so. But we did
4 get to become decent friends. And at the time Barb
5 portrayed nothing to me other than being happily
6 married to Lee.

7 Q. And why did you mention to Deb that Barb portrayed
8 nothing other than being happily married to Lee?

9 A. She asked if I had thought there was any type of
10 relationship outside of work between Barb and Gary.

11 Q. Did you tell her anything other than that statement you
12 just gave to me?

13 A. No. Oh, we -- I did say that in our office Gary would
14 talk, and it wasn't just Gary, other people would talk
15 of their past sexual experiences. And I think, I can
16 only think if that was going on, it would not have been
17 a secret, that it would have been known.

18 Q. You say Gary and others. Who were the others who spoke
19 of past sexual experiences, in the office?

20 A. Paul Meuron, Tom Boyer. Those are just two that I can
21 remember specifically.

22 Q. No other names come to mind?

23 A. No.

24 Q. Okay. If at any point in time during --

25 A. Oh, and Gary did, too.

1 Q. Aside from Gary. One instruction I forgot to give you.
2 If you answer a question and then realize later on that
3 you have something to add, or you want to change your
4 answer, stop me, let me know. I'll be happy to let you
5 do that. So if you think of any other names, just hold
6 up your hand or tell me you want to let me know some
7 more information, okay?

8 Now, you said that at first your relationship with
9 Ms. Varner was strained because Gary wasn't speaking to
10 you. Is that correct?

11 A. Um-hum. Yes.

12 Q. Why was Gary not speaking to you, do you know?

13 A. Oh, a variety of reasons.

14 Q. Let me ask you this first. What time frame are we
15 talking about, what year, if you know?

16 A. I would say '89, '90. Was it just in and around this
17 time, or was it any other time that he stopped talking
18 to me?

19 Q. For the period -- did he ever start talking to you
20 again?

21 A. No. Only for work-related reasons.

22 Q. Okay. In 1989 were you working for Gary?

23 A. Not exactly. Our office structure was, like, much
24 different then. So if Joe was my supervisor on my -- I
25 had a small juvenile caseload at the time. Joe was my

1 supervisor for my juvenile cases. And in Joe's
2 absence, Gary was next in line, if that makes sense to
3 you.

4 Q. Sure. How much interaction, how much daily interaction
5 did you have with Gary back in 1989?

6 A. The juveniles went on different cycles, but it wouldn't
7 be daily. I would say maybe at most, weekly, maybe.

8 Q. Okay. How many times, just once a week or --

9 A. That I needed, like, supervision, like an authorization
10 for detention or review?

11 Q. Or that you saw him, that you passed one another.

12 A. I saw him every.

13 Q. Every day?

14 A. Uh-huh. His office was right behind mine.

15 Q. Okay. And how often did you need supervision from him?

16 A. Depending on Joe's schedule and depending on my
17 caseload, at most probably once a week. I remember one
18 particular case that, I think it was in the summer and
19 Joe was out and I worked with Gary on, but -- more than
20 once a week, but there were no problems with that.

21 Q. At any point in time did Gary cease being in your
22 supervisory chain? And by that what I mean is did
23 there ever come a point in time where he was no longer
24 your supervisor as you just described?

25 A. Yes.

1 Q. Or in any sort of supervisory position over you?

2 A. Right.

3 Q. When was that?

4 A. That would have been in, I think it was 1996, when our
5 office split to distinctly all adult and all juvenile.
6 And I was on the Adult side.

7 Q. So as of 1996, do you remember what month in 1996?

8 A. I'm going to guess June. Somewhere in the late spring
9 or early summer of 1996.

10 Q. So as of late spring, early summer 1996, Gary had no
11 supervisory authority over you; is that correct?

12 A. I believe that's correct, if I have my dates correct.

13 Q. Okay.

14 A. Whenever the split became official, Gary was on the
15 Juvenile side and I was on the Adult side.

16 Q. Okay. So as I understand it, from 1989 to 1996, in
17 your opinion, he stopped talking to you; is that
18 correct?

19 A. Unless there was something we had to talk about work.

20 Q. So something job -- aside from anything job related?

21 A. Right.

22 Q. He stopped talking to you?

23 A. Right.

24 Q. Okay. And you started to tell me the reasons you
25 thought he stopped talking to you. Please go ahead

1 with that.

2 A. The first rift that I remember is about the DUI school
3 money. We -- the DUI school money is a big extra
4 income, and at the time there was only a real select
5 few who taught the class. We had gotten a memo that if
6 I have a client, say, Joe, who is paying regularly on
7 restitution of a prior offense, like a burglary, if a
8 victim is getting regular money, that that, those
9 payments are to cease until the DUI instructors get
10 their hundred dollars before the victims. And I'm,
11 like, we're going to pay a hundred dollars to our own
12 people before victims get the money?

13 So, Ken, I don't know, you haven't heard anything
14 about Ken, but he kind of wasn't real big on making
15 decisions; everything went to the judge. So he went up
16 and talked to Judge Sheely. And Judge Sheely was,
17 like, yeah, I can kind see that wouldn't look too good,
18 let's change it that -- and then the guys who taught
19 DUI went up and talked to Judge Sheely and Judge Sheely
20 reversed his decision again.

21 So to my knowledge, I think the DUI instructors
22 get paid before anybody else. But that was the first
23 rift, because he thought I was trying to take his DUI
24 money.

25 And then there were just a variety of -- I mean,

1 once you've done one thing to Gary you're pretty much
2 done, anyway.

3 Q. Did he tell you that the DUI issue was a reason that he
4 didn't want to talk to you?

5 A. I don't remember if he -- what he said about it,
6 anything specific what he said about it.

7 Q. Okay. What other reasons do you think that he stopped
8 talking to you?

9 A. Because he didn't approve of the Complaint that I filed
10 against Joe.

11 Q. Did he ever tell you that, that he didn't approve of
12 that Complaint?

13 A. No. I heard him tell other people that. I overheard
14 him telling an intern in our office.

15 Q. What was the name of the intern?

16 A. Lynn, it's either Dickerson or Dickinson, I forget what
17 it was.

18 Q. And what did you hear Gary say?

19 A. That it was false and that I shouldn't have done that,
20 and just how wrong it was for me to have done that.

21 Q. Anything else you heard him say to Lynn?

22 A. No. I mean, I don't specifically remember anything
23 else.

24 Q. Do you remember when that statement was made?

25 A. I remember it was up on the fourth floor of the

1 courthouse but I don't remember when it was. Sometime
2 after 1993 and -- whenever she was an intern. I don't
3 know who would have those records. Whenever she was an
4 intern with our office.

5 Q. How long was she an intern with your office, do you
6 remember?

7 A. I think it was just a summer. I don't -- well, she
8 might have stayed -- it was a summer and possibly she
9 came in the next fall semester, less than a year, so.

10 Q. Did you ever hear Gary make that statement to anybody
11 else?

12 A. I don't recall anybody specific that he said would have
13 said that.

14 Q. And do you remember being told by anybody that they
15 heard Gary say that?

16 A. I don't recall that, no.

17 Q. Did you say anything to Gary when you heard that?

18 A. No.

19 Q. Did you tell anybody that he had made that statement?

20 A. Probably.

21 Q. Do you remember who?

22 A. I don't remember who. I don't remember who even worked
23 there at the time, everyone specifically.

24 Q. Did you tell any of your supervisors that he made that
25 statement?

1 A. Well, at the time he was, I mean, it was -- who would I
2 have told? Joe? Or Gary?

3 Q. Well, Joe was your immediate supervisor, correct?

4 A. Right.

5 Q. And you didn't tell Joe?

6 A. No. He was my supervisor, he was one of my
7 supervisors, but I wasn't going to rehash the issue
8 with him. It was difficult the first time, so.

9 Q. Who were your other supervisors at the time?

10 A. John Roller was the Adult supervisor at the time, and
11 then the comparable position to Gary on the Adult side
12 was Dave Meyers.

13 Q. Okay. And you didn't tell John or Dave about the
14 statement?

15 A. No.

16 Q. Any other reasons you thought Gary had stopped talking
17 to you?

18 A. He didn't like me. I mean, once -- I mean, Gary didn't
19 talk to a lot of people in the office unless he had to.

20 Q. Do you happen to know anybody else that he stopped
21 talking to?

22 A. Well, at different times he wasn't talking to Tom
23 Boyer, Paul Meuron, Mike Dunsmore. I mean, just a
24 variety of people. Greg Miller, Lyle Herr.

25 Q. So he would get upset at people and just stop talking

1 to them; is that your perception?

2 A. They would be punished.

3 Q. Any other reasons you can think of now that Gary
4 stopped talking to you?

5 A. Nothing specific, no.

6 Q. Anything else you can recall telling Deb Wallet
7 regarding the reasons that Gary stopped talking to you?

8 A. No.

9 Q. You also mentioned that you told Deb about your
10 involvement with Gary and Joe? That's what I have
11 written down.

12 A. Just work involvement. Maybe I should have said
13 history, I guess, work or involvement.

14 Q. Can you tell me what you told Deb?

15 A. I've told you everything.

16 Q. Okay.

17 A. Oh, about Joe, too? Or just Gary?

18 Q. Gary and Joe. Everything that you told Deb is what I'm
19 looking for.

20 A. I told her -- the Complaint was a big one.

21 Q. The 1993 Complaint you're talking about?

22 A. Right. Oh, I discussed when we went to trainings at
23 Penn State, at the time we went to some trainings in
24 State College there were one instance that the -- it
25 was me, another probation officer who doesn't work

1 there anymore, Deb Graef, Gary, Joe and Mike Dunsmore
2 were there. And everybody but Joe was -- usually when
3 we went up there we would go out and have fun. But
4 that particular time we all kind of pooped out early
5 except for Joe. And Joe was upset about that, and kept
6 banging on our door till all hours of the night trying
7 to get me to come out. And then he tried to get Deb
8 Graef to come out, and we were just really
9 uncomfortable with it, because Joe had been drinking.

10 And then on the way home, I remember we had Mike
11 Dunsmore's van, because he was mad that Joe spilled
12 beer in it. And we didn't want to stop for dinner on
13 the way back on the second day of training, we wanted
14 to get home. And Joe said that we were going to be
15 punished for not stopping for dinner.

16 Q. Did he explain what he meant by punished?

17 A. Punished in our office meant get more cases.

18 Q. You said that he banged on your door and Deb's door, I
19 presume your hotel doors?

20 A. We were in the same room.

21 Q. You were in the same room. Do you know if he banged on
22 anybody else's door to try to get them out that night?

23 A. I think the guys were all in one room. Maybe he had
24 his own room and Gary and Mike were in another room, I
25 don't remember.

1 Q. Did you hear that he tried to get the other guys to go
2 out that night?

3 A. I think when they told him no and went to bed, he
4 started banging on our door.

5 Q. And after the dinner incident, you said Joe said you
6 would be punished. Did you get more cases?

7 A. Different times we got different -- I don't remember
8 specifically what happened after that, if I got more --
9 the other female who was with me, she would have been
10 punished, too. So I don't know what happened to both
11 of our caseloads.

12 Q. Okay. But you don't recall a spike in your caseload
13 shortly after that incident?

14 A. Shortly after that incident? Not specifically.

15 Q. Okay. Do you remember at any point after this incident
16 thinking, oh, I'm getting this case or that case as
17 punishment that Joe mentioned earlier or in retaliation
18 for the dinner incident?

19 A. In -- not specifically in retaliation to the dinner
20 incident, no.

21 Q. Okay. Any other, anything else regarding work
22 involvement with Gary and Joe that you told Deb about
23 that you haven't told us here today?

24 A. The only other thing that I just remember telling her
25 was, this would have been the Christmas of, I think it

1 would have been '88 or '89, we had had -- there was an
2 open house Christmas party at our office. And that was
3 the first Christmas that I worked there, that had been
4 to the party. And I don't remember if that was the
5 year where -- there was some years where there was
6 controversy over whether alcohol is going to be served
7 or not served, and I don't remember if on that party
8 alcohol was served.

9 But there were plans for after the party that a
10 group of us were going to a place that Joe liked to go
11 to. I think it's called the North Mountain Inn. I
12 think that's what it's called. And I know I was there,
13 Joe was there, Gary was there, Tom Boyer was there, and
14 I think Mike Dunsmore. And I drove myself up. And at
15 the time I was 25 years old and happy to be working at
16 Probation, and I went to this bar completely voluntary,
17 didn't have a problem going, drove myself there.

18 So we didn't stay long. And I didn't realize what
19 had happened until after I got home, what I perceived
20 had happened. All of a sudden everybody left and it's,
21 like, you don't mind taking Joe home, do you. And I
22 didn't think anything about it. I'm like, no, I'll
23 drop him home. So I dropped him home, and he had me
24 come in the house. And I just had a very difficult
25 time leaving the house.

1 Q. What do you mean you had a difficult time leaving the
2 house?

3 A. First he just talked -- he had a picture of his ex-wife
4 or a picture on the wall, and he talked about her for a
5 while.

6 And then when I was leaving, trying to leave the
7 house, he tried to kiss me. And I didn't know what to
8 say. I'm, like, Joe, you're my boss, we can't do this.
9 And physically he didn't attempt anything more, but
10 verbally he tried to get me to stay.

11 Q. Okay. And he tried to kiss you on the lips?

12 A. Um-hum. Well, he reached for my face. I don't know
13 where he tried to kiss me. I assumed my lips.

14 Q. And did he have his hands on your arms or anywhere else
15 at the time that he was trying to kiss you?

16 A. I think on my arms.

17 Q. Was he grabbing you? Or did he just have his hands
18 resting on your arms?

19 A. Grab me as in trying to force me to stay?

20 Q. Did you feel physically restrained?

21 A. No.

22 Q. Okay. Did you complain to anybody about that incident?

23 A. No.

24 Q. You didn't complain to anybody?

25 A. Huh-uh.

1 Q. Why not?

2 A. Well, like I said, I was 25 at the time and I just
3 didn't know who you would go to. And after I got home
4 I thought, well, that was dumb, I should have seen what
5 was orchestrated there to start with.

6 Q. Did you include in your 1993 Complaint mention of this
7 incident?

8 A. No.

9 Q. Has Joe ever again attempted to kiss you since that
10 time?

11 A. No.

12 Q. Anything else you can recall telling Deb Wallet in your
13 conversation approximately three weeks ago?

14 A. I don't know if I told her this or not. The only other
15 thing I would have possibly told her was, again, in a
16 training, we were sitting -- there was a table in
17 the -- we always tried to sit in the back. Joe was
18 sitting next to me. I was in the middle, and I think
19 it was Deb Graef on this side. And Gary was at the
20 table in front of us. And Joe passed Gary a note that
21 said Kerry's single room such and such, Joe's single
22 room such and such. And that was the first overnight
23 training I was at, and I was a little bit concerned.

24 Q. Do you remember when this was, what year?

25 A. I started in '88, so I don't know. Sometime after

1 that.

2 Q. Would it have been before 1990?

3 A. Yeah, I would guess.

4 Q. Okay. And what did that note mean to you? Why did it
5 concern you?

6 A. Because I was concerned he thought something physically
7 sexually was going to happen between us.

8 Q. Did the note say anything other than what you just
9 described?

10 A. No.

11 Q. Had Joe said anything to you prior to that note --

12 A. No.

13 Q. -- to lead you to believe that he had any sexual
14 interest in you?

15 A. No.

16 Q. Do you recall if Gary Graham responded in any fashion
17 to that note either to Joe or to you?

18 A. Not to me. They didn't even know that I had seen it.

19 Q. Okay. Do you have any awareness of what Gary's
20 reaction to that note was?

21 A. No, I didn't -- I saw it laying on the -- after Gary
22 handed it back, I didn't see what he said to Joe.

23 Q. Did you tell anybody you worked with about that note at
24 the time?

25 A. I might have said something to Deb Graef, who was --

1 who I shared a room with, who was with -- she would
2 have been the only person I would have told.

3 Q. Was Deb one of your supervisors or was she a co-worker?

4 A. She was a co-worker.

5 Q. Did you include mention of that note in your 1993
6 Complaint?

7 A. No.

8 Q. Anything else you told Deb Wallet?

9 A. That's all I can come up with.

10 Q. Okay. Prior to speaking with Deb out in the hallway
11 right before this deposition, had you spoken with her
12 today?

13 A. No. I mean, we just spoke in the hallway of not about
14 this, just I was talking to Barb about stuff, but we
15 weren't discussing this case.

16 Q. Okay. Other than today, have you spoken with Barbara
17 Varner about her Complaint in this matter?

18 A. Um-hum.

19 Q. You have to say yes or no.

20 A. Yes. I'm sorry.

21 Q. It's easy to forget.

22 When did you first speak with her about her
23 Complaint?

24 A. It would have been sometime after 1996, because our
25 office had been split at the time and I didn't really

1 see her very often anymore. And I had heard from some
2 of the secretaries or the women who were on that side
3 that Gary was yelling at Barb about a bunch of stuff,
4 and that these other women were, like, half afraid
5 of -- because of his yelling.

6 And then one time I saw Barb in the bathroom and
7 she said that things were real bad, that he was yelling
8 at her all the time and she didn't know what to do.

9 And then the only other time I remember, I
10 remember a group of women went to Hoss's at Christmas
11 time just for, like, a little lunch before the
12 holidays, and the secretaries were saying stuff to Barb
13 about how can you take that, he yells at you all the
14 time.

15 And then at some point I remember Barb telling me
16 she went to the EEO -- or went to different, whoever
17 you go to, to file the Complaint.

18 Q. Did you ever hear Gary yell at Barb?

19 A. No.

20 Q. Did Barb tell you what Gary was yelling at her about?

21 A. Probably, but I don't remember specifically what it
22 was, what she had told me.

23 Q. Okay. And I'm talking about just at this time --

24 A. Right.

25 Q. -- when this first happened. Okay.

1 A. When I shared an office with Barb he went out of his
2 way to be nice to her.

3 Q. Who went out of his way to be nice?

4 A. Gary.

5 Q. To be nice to her?

6 A. Um-hum. I mean, I thought, I mean, whatever Gary did,
7 Barb had to be with him.

8 Q. What do you mean by that?

9 A. He just looked for reasons to have Barb with him. I
10 mean, we all kind of joked -- Barb worked at Children
11 and Youth before she was hired, and it was just an
12 unspoken rule that Barb would get hired because Gary
13 liked her.

14 Q. And what time frame are we talking about right now?

15 A. I'd say -- I started in '88. I don't remember when she
16 started, in Children and Youth. It was before or
17 after, between then and whenever she was hired, while
18 she was working at Children and Youth then before she
19 got hired in Probation.

20 Q. So you didn't see Gary ever yell at Barb?

21 A. No.

22 Q. Did you ever see him act in way that you thought was
23 demeaning toward her?

24 A. Huh-uh. No.

25 Q. Did you ever see him act in a way that you thought was

1 unkind toward her?

2 A. No.

3 Q. Did you ever see him act in a way that you thought was
4 physically threatening toward her?

5 A. No.

6 Q. Did Barb ever complain to you about Gary's behavior?

7 A. Only after the split.

8 Q. Only after the split. Prior to the split, did she have
9 any comments about Gary's behavior toward her, good,
10 bad or otherwise?

11 A. The only thing I remember her saying was I remember a
12 story where she and he went to a juvenile facility for
13 a graduation, I think it was South Mountain, I don't
14 know where it was, but Gary was complaining about her
15 car the whole time, that it was this, that and the
16 other thing. I just remember her telling a story like
17 that.

18 Q. Do you remember what types of complaints about the car?

19 A. He didn't like the car. Just a -- I forget
20 specifically, but the car, the roof -- it was a
21 convertible. I mean, he just had a bunch of complaints
22 about the car.

23 Q. Did she ever tell you, did Barb ever tell you that Gary
24 made inappropriate comments to her when they were
25 riding around together?

1 A. No.

2 Q. Getting back to my original question, prior to this
3 deposition did you speak with Barb Varner about this
4 deposition?

5 A. Yes.

6 Q. And when was that?

7 A. After the times I've told you about?

8 Q. Yes, after the times you've told me about.

9 A. I mean, I don't remember specific dates, but --

10 Q. What was the most recent conversation you had with her
11 about this case prior to today?

12 A. Prior to today? Would have been last week when I told
13 her that I was subpoenaed to come here.

14 Q. And how long did you talk to her last week?

15 A. About that?

16 Q. About that.

17 A. About me being here? Not a whole lot. But I mean,
18 she, I talked to her -- I guess I got the subpoena on a
19 Monday. I don't think I saw her again till Wednesday.
20 I think she was out on Tuesday. But after I got the
21 subpoena I told her about it, and I think there was,
22 like, two days lapse before I saw her again. And then
23 she told me that she had been somewhere where Judge
24 Sheely had been deposed, but --

25 Q. Did she tell you what Judge Sheely said during his

1 deposition?

2 A. She said that he didn't recall a lot of information.

3 Q. Did she tell you anything that he did recall?

4 A. Oh, that he, something about how it had transpired.

5 And I don't recall specifically what was said, about if

6 Gary told his wife Barb about their alleged

7 relationship in front of Judge Sheely or at home the

8 night before. I think that's what it was.

9 Q. Did she tell you about any of the attorneys who were in
10 attendance at that deposition?

11 A. Oh, I mean, she told me that Joe has an attorney, Gary
12 has an attorney, the county has an attorney. But I
13 don't know, I'm assuming that's Joe's attorney next to
14 him but I don't know who any of them are.

15 Q. Did she tell you what any of the questions were, the
16 specific questions that were asked?

17 A. No.

18 Q. Did she tell you about Gary's deposition at all, at any
19 point in time?

20 A. Yeah.

21 Q. When did she do that?

22 A. I don't remember when it was, but -- when Gary's
23 deposition was, but it was a couple days after that.

24 Q. And what did she tell you about Gary's deposition?

25 A. That he didn't -- that he didn't recall a lot of stuff.

1 That she had, was supposed to have some scar on her
2 back. Oh, and I'm disingenuous with my clients.

3 Q. She said that Gary said that about you?

4 A. Yeah. Oh, that he was offended with a joke that I told
5 at a Christmas party. Oh, that I was -- oh, that I had
6 allegedly been given some criminal citation from an
7 ex-husband. Those are the key things I remember.

8 Q. Did she mention any of the attorneys who were present
9 at that deposition?

10 A. Not that I recall. You mean specific names?

11 Q. Specific names.

12 A. No. I don't know any -- I know Mr. Dellasega because
13 of the subpoena, but I'm sorry, I don't even know your
14 name. Oh, and I know Deb Wallet.

15 Q. And I apologize. Kristen Blanchard's my name.

16 A. Okay.

17 Q. And aside from the answers that Gary gave during his
18 deposition that you just told me, did Barb tell you any
19 of the questions that were asked during that deposition
20 by any of the attorneys?

21 A. No, I don't think so.

22 Q. Did she tell you what she thought of the deposition?

23 A. I think -- she didn't say what she thought, but what I
24 thought she got out of it was that she was kind of
25 relieved that it had -- the process had started,

1 because it's been going on for a while.

2 Q. Did she tell you about Joe Osenkarski's deposition?

3 A. Yeah, I was trying -- she did, and I'm trying to
4 remember. I think Joe had a lot of answers of he
5 didn't recall. And he's -- she told me that he said
6 that he -- I think what she said was he was never told
7 what the Complaint was, what it was, what was in the
8 Complaint.

9 Q. That Joe said that during his deposition?

10 A. I think that's what she told me.

11 Q. Okay. Do you remember anything else she told you about
12 that deposition?

13 A. That Joe had never heard Gary yell.

14 Q. Anything else you can recall she said about that
15 deposition?

16 A. No, I don't recall anything.

17 Q. Okay. Did he mention the attorneys?

18 A. No.

19 Q. Didn't mention specific questions asked?

20 A. No.

21 Q. Did she tell you what she thought of that deposition?

22 A. Again, I just got the impression that she was relieved
23 that this thing had -- was ongoing.

24 Q. Did she talk to you about Joe's deposition during the
25 same conversation in which she talked to you about

1 Gary's, or was that a separate conversation?

2 A. I think it was separate. I think. I don't remember if
3 they were even done on the same day.

4 Q. How many times -- well, you said in the past week
5 you've spoken with Barb twice about this case, correct?

6 A. Right. Now, I mean, our offices are, like, in the same
7 part of the building, so I mean, we speak about a
8 variety of things, not all of them about this.

9 Q. Okay. Would you say that you speak with her about this
10 case on a weekly basis?

11 A. Yeah, I would say yes.

12 Q. How many times in a week do you think you speak with
13 her about this case?

14 A. It depends. I mean, some weeks it wasn't mentioned
15 because there was nothing happening with it. But the
16 last couple weeks when there's been things happening, I
17 would say maybe once or twice a week.

18 Q. And do you consider yourself to be Barb's friend?

19 A. I think we're friends, yeah.

20 Q. Do you socialize outside of work?

21 A. Not often. We have -- it's been a while -- have gone
22 out after work for a drink.

23 Q. And how long would you say the two of you have been
24 friends?

25 A. I would say since we shared an office together.

1 Q. Okay. And when did that start, again?

2 A. I would say maybe '94 to '96.

3 Q. Did Barb ask for your help in this case?

4 A. No.

5 Q. No? Did she tell you she was counting on you in this
6 case?

7 A. No.

8 Q. Okay. Has she expressed to you anxiety about this
9 case?

10 A. What do you mean by that?

11 Q. Is she nervous about the proceedings?

12 A. I don't think at this point she's nervous about them.
13 I think she was nervous years ago when it all started,
14 but I don't think at this point. I could be wrong, I
15 don't know.

16 Q. What is your understanding of her allegations against
17 Gary?

18 A. I guess that he yelled at her unreasonably.

19 Q. Anything else you're aware of that she's accusing Gary
20 of?

21 A. I don't know what the Complaint says, no.

22 Q. Do you know what she thought was unreasonable about
23 Gary's yelling?

24 A. Just that there was no basis for it. And sometimes I
25 think, if I recall it involved other of her co-workers.

1 Q. What do you mean by that?

2 A. I think he would yell at other Juvenile probation
3 officers about Barb to them.

4 Q. To the other officers?

5 A. Right.

6 Q. Do you know who those officers are?

7 A. I wasn't working there at the time. I don't remember.

8 I mean, I can tell you who I remember the Juvenile
9 probation officers were then. Denny Drachbar, Sam
10 Miller, I don't know who -- again, I wasn't over there
11 so I don't know who would have been involved.

12 Q. Okay. At any point in time has Barb told you that she
13 thought Gary sexually harassed her?

14 A. Only one -- one time I remember, again, this was at a
15 training. I wasn't at the training, it was a DUI
16 training. She was in her room studying, and he kept
17 trying to get her to come somewhere with him, I don't
18 know, downstairs to the bar area somewhere, and she
19 refused to go.

20 And I think she said either she left early the
21 next day or he left early. One of them left early.

22 And I remember, and I think this was after she
23 filed the Complaint, she told me that Gary had stopped
24 by her house unannounced on occasion. Or maybe just
25 once, I shouldn't say on occasion, stopped by her house

1 when her husband was out of town.

2 Q. And did she tell you why she thought this was sexual
3 harassment?

4 A. I don't recall her specifically -- I just remember what
5 she told me, the details.

6 Q. Anything else that she told you about Gary's behavior?

7 A. She showed me a card that Gary had given her, a
8 birthday card.

9 Q. Okay. Did she tell you when she received that card?

10 A. On her birthday. I know her birthday's sometime in
11 January because mine is, too, and we joke about that.
12 But I don't recall a year.

13 Q. Do you remember when she told you about the birthday
14 card? Was it the past year, in the past five years?

15 A. In the past five years.

16 Q. Okay. But you don't know exactly when?

17 A. No.

18 Q. Okay. I apologize if I already asked you this, but did
19 you ever hear a rumor that Gary and Barb were having an
20 affair?

21 A. No, I did not.

22 Q. Never heard a rumor along those lines?

23 A. (Witness shook head negatively.)

24 Q. Okay. Never heard people in the office talk about
25 something like that?

1 A. Not until -- I mean, this all transpired after Gary
2 said, allegedly said something to Judge Sheely was the
3 only time. I mean, I was just, like, taken aback when
4 I heard it.

5 Q. Did you ever hear Barb and Gary's wife referred to as
6 Barb 1 and Barb 2?

7 A. Yes.

8 Q. What was the meaning of that, as far as you understood?

9 A. It was mostly used by, if I recall, our clerical staff
10 and maybe some of the -- I just remember the clerical
11 staff. I know Gary would get a phone call, who it was,
12 Barb 1 or Barb 2.

13 Q. And you understood that one of those Barbs was Barb
14 Varner and one of those Barbs was Gary's wife?

15 A. Right.

16 Q. Okay. And how is it that you came to understand that
17 that's what that meant?

18 A. I don't recall specifically. They're the only two
19 Barbs, I guess, that Gary knew or -- I don't recall who
20 came up with that or how that came about.

21 Q. Did it ever occur to you that the two of them might be
22 having an affair?

23 A. No.

24 Q. Did Barb ever mention having an affair with Gary?

25 A. No.

1 Q. Did you ever ask her about having an affair with him?

2 A. No. Never even was even a suspicion of mine, or even,
3 I would never have had any reason to think there was
4 anything going on between them.

5 Q. Okay. Are you aware of whether Barb ever had an affair
6 at any point in time?

7 A. To my knowledge, no.

8 Q. And I don't mean with Gary, I mean with anybody.

9 A. Right.

10 Q. During your telephone conversation with Deb Wallet
11 approximately three weeks ago, was anybody else
12 participating in that phone conversation, or was it
13 just --

14 A. No. I was at home.

15 Q. So as far as you know, it was just the two of you on
16 the line?

17 A. Yes.

18 Q. During the conversations that you've had with Barb
19 Varner regarding this lawsuit, has anybody else
20 participated in those conversations?

21 A. You mean, like, been in the room?

22 Q. Sure.

23 A. I don't remember if it was at that lunch at Hoss's, I
24 know Jen Crum, Winnie, me, Nicole Galbraith, I think
25 they were all there.

1 Then recently the only other people maybe would
2 be, and Ronna hasn't worked there in a while, but Ronna
3 Boyles. And I'm going to guess Debra Green. But they
4 would be the only people that I would know.

5 Q. Did any of these individuals, to the best of your
6 recollection, participate in the conversation about
7 this lawsuit?

8 A. I mean, I'm sure they said something. What they said,
9 I don't remember. And I don't know if we were talking
10 about it as a lawsuit or just basically what was going
11 on, like, what the next step was or something.

12 Q. Okay. Do you recall at any point in time speaking with
13 Dave Deluce about this case, or about Barb's Complaint?

14 A. When it first started, like, years ago? Was he the --
15 did he work for the county?

16 Q. I have to ask you the questions, unfortunately.

17 A. If he was the one who originally, like, investigated
18 the case, I remember talking to him.

19 Q. Do you remember when?

20 A. I don't recall how many years ago it's been since this
21 has been going on, but it was shortly after Barb had
22 raised concerns or filed a Complaint. I don't know
23 what proceeding, what was happening at the time
24 legally.

25 Q. Do you remember how many times you spoke with him?

1 A. I think just once.

2 Q. Okay.

3 A. I remember once. I don't -- I know at least once.

4 Q. You mentioned and we talked about the 1993 Complaint

5 that you filed against Joe. Did that proceed to

6 litigation, or was that only at the agency level?

7 A. At the office level, right.

8 Q. Okay. Oh, the office level. So it was an internal

9 complaint, or was it with the EEOC?

10 A. No, just internal.

11 Q. Internal, okay. Have you ever filed a lawsuit before?

12 A. No.

13 Q. Are you married?

14 A. Yes.

15 Q. For how long?

16 A. Seven years. Well, June of '96.

17 Q. Is this your first marriage?

18 A. No, it's my third.

19 Q. Do you have any kids?

20 A. Yes.

21 Q. How many?

22 A. One daughter, Bailey.

23 Q. And how old is Bailey?

24 A. She's nine.

25 Q. And did you graduate from high school?

1 A. Yes.

2 Q. What year?

3 A. 1980.

4 Q. And what school?

5 A. Carlisle High School.

6 Q. Did you graduate from college?

7 A. Yes, 1984 from Bloomsburg.

8 Q. What was your major area of concentration?

9 A. Sociology.

10 Q. Do you have any professional degrees or licenses?

11 A. Just that. I mean, just my degree.

12 Q. So no graduate school or anything like that?

13 A. No.

14 Q. And what is your current job title?

15 A. Senior probation officer.

16 Q. How long have you had that title?

17 A. I think since '96 when we made the split.

18 Q. And who is your supervisor now?

19 A. Lyle Herr.

20 Q. Do you know how to spell Lyle's last name?

21 A. H-E-R-R.

22 Q. Okay. Is Lyle your only supervisor?

23 A. He's my direct supervisor. We have two supervisors on

24 the Adult side. The other one is Mike Varner.

25 Q. And you do not work with Gary Graham now; is that

1 correct?

2 A. I mean, in the same building? Or --

3 Q. Do you have any professional interaction with him now?

4 A. Occasionally. He's our institutional parole officer
5 and I send paperwork down to him, and talk to his voice
6 mail a lot about messages. He might call me up about
7 when do you want to parole this person or those kind of
8 things.

9 Q. Okay. And do you have any problems in your
10 professional interactions with him?

11 A. No.

12 Q. Okay. And if you have questions, you get the answers
13 you need from him?

14 A. I mean, I can talk to him about a case. I mean, I
15 can't say I agree with everything he does or he agrees
16 with everything I do.

17 Q. Sure. Did you ever socialize with Gary outside of
18 work?

19 A. At trainings, when I worked there. Before I worked
20 there I worked at Children and Youth and my supervisor
21 was a friend of his, and I know I had a going-away
22 party for this girl named Nancy, and Gary was at that.

23 And I know Gary came one time -- I lived in a
24 third floor apartment and he helped me move to a second
25 floor apartment, up with some other probation officers.

1 I would guess, I don't recall specifically but
2 when I first started there I'm going to guess that I
3 had been to lunch with, like, a group, him and some
4 other people. Oh, and that time, the Christmas thing.

5 You know, there were times, I don't recall all of
6 them or how many.

7 Q. Okay. And did you ever complain formally or informally
8 to any of your supervisors about Gary?

9 A. No.

10 Q. Did you ever have any, aside from your belief that he
11 doesn't talk to you, ever have any professional
12 problems with him?

13 A. No.

14 Q. Ever have any personal problems with him, aside from
15 him not talking to you?

16 A. What do you mean personal problems?

17 Q. Any problems we haven't talked about.

18 A. No.

19 MS. BLANCHARD: Off the record.

20 (Discussion held off the record.)

21 BY MR. ADAMS:

22 Q. Good morning, Ms. Houser. My name is Paul Lancaster
23 Adams, and as you guessed earlier, I do represent
24 Mr. Osenkarski in this matter.

25 I'll ask you that you please follow the same rules

1 that Ms. Blanchard explained to you before, and that I
2 expect the questions, if she did not say that to you, I
3 want to add to that any question that I ask you and you
4 actually respond to, I'm going to assume that it is the
5 correct answer to the best of your ability.

6 A. Yes.

7 Q. I don't want you to guess. Just answer what you know,
8 and I don't want to you speculate. Is that okay?

9 A. Okay.

10 Q. Okay. Some of these questions are going to be kind of
11 weird for you, and I apologize.

12 You didn't like Mr. Osenkarski?

13 A. At this point I'd probably say no.

14 Q. Would you say that you hate Mr. Osenkarski?

15 A. No.

16 Q. Do you like Gary Graham?

17 A. At this point, no.

18 Q. Do you like Ms. Varner?

19 A. Yes.

20 Q. Referring to your 1993 incident involving, or the
21 allegation involving Mr. Osenkarski, he wasn't chief of
22 the Juvenile Probation Department at that time, was he?

23 A. No. He was the Juvenile supervisor.

24 Q. Was he your supervisor?

25 A. Yes, for my juvenile cases.

1 Q. Okay. And I think Ken Bolze, is he the one that
2 actually conducted an investigation based on --

3 A. Yes.

4 Q. I'm sorry. Wait until I finish the question. Was Ken
5 Bolze the person who actually conducted an
6 investigation based on your complaint of
7 Mr. Osenkarski?

8 A. Yes.

9 Q. Okay. And he actually interviewed persons in your
10 office about your complaints; is that correct? Ken
11 Bolze.

12 A. I believe the people who had heard what had been said.

13 Q. Do you have a reason to believe that Mr. Bolze didn't
14 interview persons in your office about your allegation?

15 A. No. I don't recall specifically when he did that or
16 what he would have asked.

17 Q. Okay. He interviewed you; is that correct?

18 A. Yes.

19 Q. And do you have any reason to believe that Mr. Bolze's
20 investigation of your complaints against Mr. Osenkarski
21 was not a comprehensive one? Do you have any reason to
22 believe that it was not comprehensive?

23 A. No.

24 Q. Okay. And he supplied you, again, Mr. Bolze supplied
25 you with his conclusions of the investigation; is that

1 correct?

2 A. Yes.

3 Q. Referring to 1993 complaint of Mr. Osenkarski, did you
4 ever ask Debra Wallet to consider taking your case?

5 A. I'm sorry, could you say that again?

6 Q. Did you ever ask Debra Wallet to consider taking your
7 case, a legal case against Mr. Osenkarski?

8 A. I talked to her about that, on what I should do.

9 Q. Did you ask her to consider your case?

10 A. I think I just asked for her opinion, and I didn't
11 pursue it outside of the office after that.

12 Q. Okay. Did you talk to Ms. Wallet before or after
13 Mr. Bolze's investigation and conclusion?

14 A. Before the conclusion.

15 Q. Okay. Did you ever consider talking to any other
16 attorneys about your complaints against Osenkarski from
17 1993?

18 A. No. Well, that probably isn't totally correct, because
19 at the time my ex-husband was an attorney, so I mean,
20 if you want to consider that.

21 Q. What's your ex-husband's name?

22 A. Chuck Vohs.

23 Q. Did he specialize in employment law?

24 A. No, he did not.

25 Q. But he considered taking your case at some point?

1 A. No, he did not. But I mean, I talked to him about it
2 because he was my husband and he was an attorney, so I
3 just thought I'd answer the question.

4 Q. Okay. I appreciate that.

5 The comment, I know you don't want to keep
6 repeating this so I'll repeat it for you, members of
7 the cunt club, do you remember the discussions about
8 that this morning? You have to answer affirmatively --

9 A. Yes. I'm sorry.

10 Q. -- so she can take it down. Mr. Osenkarski never said
11 that directly to you, did he?

12 A. No, he did not.

13 Q. And Mr. Osenkarski never said that directly to any
14 female, from your understanding; is that correct?

15 A. I believe a female overheard that conversation but it
16 was not said directly to her.

17 Q. Okay. And the allegations of sexual harassment filed
18 by you that Ken Bolze actually investigated were
19 unfounded; is that correct?

20 A. That was his finding, right.

21 Q. At the time you were satisfied with that; is that
22 correct?

23 A. I was relieved it was over. It took forever.

24 Q. When did you meet Ms. Varner, again?

25 A. I knew of her professionally when she worked at

1 Children and Youth. I don't recall when that was. I
2 started in Probation in '88 so it was sometime after
3 that.

4 Q. Okay. Ms. Varner started in 1995 with the Juvenile
5 Probation Department; is that correct? Does that sound
6 familiar?

7 A. I don't know.

8 Q. Okay. Did you know Ms. Varner before 1995?

9 A. Yes. I mean, I knew her, I know that we had had one
10 case where I had one of the members of the family in
11 Adult Probation and she was the caseworker at Children
12 and Youth, and I know that we had been to their house
13 together.

14 Q. Okay. Were you friends with Ms. Varner before she
15 started to work in the Juvenile Probation Department?

16 A. No. We just knew each other from work.

17 Q. Okay. When did you tell Ms. Varner of your complaint,
18 of the 1993 complaint against Mr. Osenkowski?

19 A. I don't think I did tell her about it.

20 Q. Do you have any idea how she knew about that complaint?

21 A. I don't know if I can -- if this is accurate or not,
22 but I think she heard about it from Joe and Gary.

23 Q. From Joe Osenkowski himself?

24 A. Right.

25 Q. And Gary Graham?

1 A. Right.

2 Q. Why do you say you think that? Why do you say that?

3 A. I think that's where she got her knowledge of it from.

4 Q. Okay. But she never told you that she heard that from
5 Mr. Graham or Mr. Osenkarski?

6 A. I know that what she told me was that it had been asked
7 and that I, if I -- I don't know if I have the details
8 right, that Joe was supposed to go to a sensitivity
9 class or some type of something, I don't know, and that
10 he didn't go and that he joked about it.

11 Q. Did you ever encourage Ms. Varner to file a complaint
12 of sexual harassment against Mr. Graham and
13 Mr. Osenkarski?

14 A. No.

15 Q. Did you refer Mrs. Varner to Debra Wallet?

16 A. I tried to remember that this morning. I don't think
17 that I did. I don't recall where Barb would have
18 gotten Deb's name from. I don't recall if I did or did
19 not.

20 Q. Okay. How do you know Debra Wallet?

21 A. I met her the first time back in I guess it was 1993,
22 and I guess just working at the courthouse asking who
23 dealt with employment law. That was how.

24 Q. You said that, during your testimony this morning you
25 had mentioned an incident at the open house Christmas

1 party years ago and that persons from the department
2 went to the North Mountain Inn. Do you remember that
3 testimony?

4 A. Yes.

5 Q. Okay. And you said it became a time in the night where
6 you --

7 A. It was, like, evening. It wasn't like -- well, by the
8 time we got to Joe's house I think I was home before
9 seven or eight o'clock at night.

10 Q. So it was early evening?

11 A. Right.

12 Q. Like, after work hours?

13 A. Right.

14 Q. Okay. When you were at Mr. Osenkarski's house, you had
15 testified this morning, and correct me if I'm wrong,
16 you said that when you were at his home after going,
17 after you returned home you said you thought that was
18 dumb, I should have seen what was being orchestrated.
19 What exactly did you mean by that?

20 A. I think it was planned that they would all leave and
21 that I -- and Joe didn't have a car up there, that I
22 would take him home.

23 Q. You understand that to be orchestrated in some way?

24 A. Pardon me?

25 Q. What do you mean by orchestrated?

1 A. I didn't see that that -- that that had possibly been
2 planned before we all had got there.

3 Q. Okay. So why do you think that you were dumb by not
4 staying at Mr. Osenkowski's home?

5 A. I think I was dumb for staying there.

6 Q. You think you were dumb for staying there?

7 A. Right. For going in in the first place.

8 Q. Okay. Is that different from your testimony this
9 morning?

10 A. I don't think that it is. I mean, that's what I meant.

11 Q. Okay.

12 A. That's why I said I didn't -- another reason I didn't
13 file a complaint, because I just felt like I had been
14 set up and I should have seen it and never should have
15 allowed myself to be in that situation to begin with.

16 Q. That's what you meant?

17 A. Right.

18 Q. Okay. Very good. Are you vicariously living through
19 Ms. Varner with respect to her complaint of
20 Mr. Osenkowski?

21 A. No. I don't have to see Joe or -- I don't have any
22 contact with Joe since 1996.

23 Q. You know that there's a complaint by Ms. Varner against
24 Mr. Osenkowski, correct?

25 A. Well, I knew it originated with Joe -- I mean, with

1 Gary, and somehow because Joe's his supervisor that
2 he's involved with it, too.

3 Q. Okay. So you do know there's a complaint against
4 Mr. Osenkowski --

5 A. Right.

6 Q. -- by Ms. Varner?

7 A. Yes.

8 Q. And honestly, would you like to see Ms. Varner prevail
9 over Mr. Osenkowski in some sort of way via this
10 lawsuit?

11 A. It's been going on for so long, I guess I just would
12 like to see it end or resolve one way or the other,
13 whatever that outcome happens to be.

14 Q. Would you like to see Ms. Varner somehow triumph over
15 Mr. Graham via this lawsuit?

16 A. What do you mean triumph?

17 Q. Win the lawsuit against Mr. Graham.

18 A. What does it mean to win? I mean, what do you consider
19 a win?

20 Q. Well, you can't ask the questions, I have to ask the
21 questions. Whatever you interpret as winning versus
22 losing in a lawsuit. I'd like to know what you think.

23 A. Well, I've never been involved with anything like this
24 before, so I don't know what the outcomes could be. I
25 just -- I mean, I've worked for the court system my

1 whole professional life. I just leave -- I'm used to
2 just leaving outcomes to the Court. I don't know what
3 is going to happen.

4 Q. Okay. Without taking too much time, you realize that
5 there are two types of litigation, criminal and civil
6 litigation; is that correct? Is that correct?

7 A. Correct.

8 Q. Okay. And you realize that this is a civil proceeding?

9 A. Well --

10 Q. Because it's not a criminal proceeding?

11 A. I don't know anything about civil law other than I've
12 been divorced.

13 Q. Okay. Do you realize that the remedies or part of the
14 remedies of a civil lawsuit is monetary gain?

15 A. From watching TV, sure, I know that it's monetary gain.

16 Q. So with that understanding, would you feel happy for
17 Ms. Varner if she were to monetarily gain from her
18 lawsuit against Mr. Graham and Mr. Osenkowski?

19 A. Sure. If that's what you guys felt happened, sure.

20 Q. Based on what you feel happened, would you like to see
21 her monetarily gain?

22 A. I mean, all I can tell you is my involvement with Joe
23 and Gary. I didn't see anything that happened with
24 Gary and Barb or Joe and Barb, so I mean, I can't
25 answer that question.

1 Q. Okay. What joke did you tell during a Christmas party
2 that you had mentioned earlier this morning?

3 A. That was before I worked in Probation, and I'm trying
4 to remember after Barb told me about it. It was
5 something about Santa Claus and -- I don't remember all
6 the things leading up to, but the brunt, the joke of
7 the thing was Santa Claus saying, part of the joke was
8 ho ho ho, gotta go gotta go, and at the end the joke
9 was hey hey hey, gotta stay, gotta stay, can't get up
10 the chimney with my penis this way is what the end was.

11 Q. Okay.

12 A. I don't remember the things -- it was something with
13 Santa and different women or kids and then finally a
14 woman at the end.

15 Q. This is a joke you told during a Christmas party?

16 A. Right.

17 Q. Do you recall a time when Ms. Varner and Gary Graham
18 ever got along or got along favorably?

19 A. Yes.

20 Q. What time period was that?

21 A. The time period I shared an office with her, that I
22 considered it favorably.

23 Q. Okay. Do you recall a time when that interaction went
24 sour or it was no longer favorable?

25 A. Again, it was after the split when I didn't have much,

1 if any, contact with Barb. I heard about it from other
2 people, and then at some point I heard about it from
3 Barb.

4 Q. Do you have any idea why their relationship, work or
5 whatever, became sour or went unfavorably?

6 A. I remember I was surprised, because I shared an office
7 with her and, I mean, Barb could really do no wrong as
8 far as Gary was concerned.

9 Q. So you were surprised that they all of a sudden weren't
10 getting along favorably?

11 A. Right.

12 Q. And so it was pretty abrupt, from your understanding?

13 A. I think, yes.

14 MR. ADAMS: Okay. I have no further questions.

15 Thank you.

16 BY MR. DELLASEGA:

17 Q. You've had the sexual harassment training, then?

18 A. Through the county, yes.

19 Q. How many times?

20 A. I would say two, maybe three times that the county's
21 offered it. However many times the county has -- it's
22 always been, like, mandated training. So however many
23 times we've had that. I'm going to guess three.

24 Q. With the understanding you learned in those training
25 sessions of what constitutes sexual harassment, let me

1 ask you, have you ever observed Mr. Graham sexually
2 harass Barbara Varner?

3 A. No.

4 Q. Have you ever observed him sexually harass anybody?

5 A. No.

6 Q. Other than the Complaint you filed against
7 Mr. Osenkarski regarding that particular epithet, have
8 you ever observed Mr. Osenkarski sexually harass
9 anybody?

10 A. I would say I've heard, been in rooms with
11 conversations with both of them that the conversations
12 were disgusting enough that I felt like I couldn't wait
13 to get out of there, in regard to conversations were
14 about not me but about other women.

15 Q. You say both of them, you're referring to Osenkarski
16 and Graham?

17 A. Yes. Right.

18 Q. And --

19 A. Joe more so than Gary.

20 Q. All right. Give me an example of what Mr. Osenkarski
21 would say that you felt rose to the level of sexual
22 harassment.

23 A. I know one instance, again, at a training where we were
24 at a restaurant, I think it's called The Tavern, Joe
25 had had a lot to drink and was talking very loudly

1 about how his daughters looked in underwear and about
2 how Polish people had sex -- or they wouldn't get
3 pregnant because if -- before you were married, it was,
4 would have been a big deal.

5 He also talked about his ex-wife having to use the
6 bathroom on the way home from a trip from State
7 College, she went to the bathroom outside and he said
8 that she got an infection and he used the word pussy.

9 Q. Is that the worst example you can think of of comments
10 made by Mr. Osenkowski that you feel rise to the level
11 of sexual harassment?

12 A. I thought it was inappropriate conversation. I mean,
13 I'm sure I could, if we sat here for a while I could
14 think of some other ones.

15 Q. Sitting here right now, to the best of your
16 recollection, can you recall him saying anything worse
17 than what you've just told us?

18 A. No.

19 Q. You had said early on in your testimony to
20 Ms. Blanchard that when you first met Barbara Varner
21 your relationship was a bit strained because Gary
22 wasn't talking to you. Do you recall that?

23 A. Right.

24 Q. Okay. Why would the fact Gary was not talking to you
25 make your relationship with Mrs. Varner strained?

1 A. Because if -- you have to understand the dynamics of
2 our office, because if she was talking to me, that
3 would mean in Gary's eyes that she was going against
4 Gary. I mean, you pretty much had to pick your allies
5 in there. So I just kind of, knowing that I just
6 stayed away from Barb, not to make her life difficult,
7 and she followed suit.

8 Q. You stayed away from Mrs. Varner because --

9 A. I just didn't like to pursue, like, any ongoing -- I
10 didn't pursue a lot of contact with her because I knew
11 she didn't want to because she and Gary were friends.

12 Q. Let me ask you. Did you also avoid other people who
13 Graham wasn't talking to? You ran down a list of five
14 or six names that people you recalled he did not talk
15 to. Did you avoid them so they wouldn't feel
16 uncomfortable with their relationship with Graham?

17 A. With people he wasn't talking to?

18 Q. Right.

19 A. Not the people he wasn't talking to. The people he was
20 talking to, I did.

21 Q. So was Ms. Varner like everybody else he was talking
22 to, you would avoid all of them?

23 A. There wasn't very much. There was just a couple of
24 them.

25 Q. That he would talk to?

- 1 A. Right.
- 2 Q. Ms. Varner was one of them?
- 3 A. Yes.
- 4 Q. And you can only think of perhaps two more?
- 5 A. Were there two more?
- 6 Q. Yes.
- 7 A. I'd say two -- Joe. Usually Sam and Denny, they were
8 about the only ones.
- 9 Q. So Mrs. Varner was in a select group of people who he
10 would talk to?
- 11 A. Yes.
- 12 Q. And the other female in that group that you've
13 identified?
- 14 A. Professional female, right.
- 15 Q. And when you say that your relationship was strained,
16 are you talking about when you first became office
17 mates in '94? Or when Mrs. Varner first came, was it
18 CYS?
- 19 A. Not at CYS, but when we became office partners, I was a
20 little nervous how it would go, just because I knew I
21 didn't -- Gary and I didn't get along and I knew she
22 was good friends with Gary. But we got -- Gary didn't
23 come in our office if I was there and we didn't talk
24 about Gary.
- 25 Q. When you say good friends, they were both good friends

1 with each other?

2 A. I perceived that, yes.

3 Q. That was unusual?

4 A. What, that --

5 Q. For Graham to be good friends with anybody?

6 A. I wouldn't say unusual. I mean, I had known he had
7 liked her when she worked at Children and Youth, so I
8 wasn't surprised by it.

9 Q. What did you observe by when she worked at Children and
10 Youth that made you think he liked her?

11 A. That he would go out with her on a lot of cases. That
12 they would talk more about cases than other probation
13 officers and caseworkers would.

14 Q. Anything else?

15 A. He and Joe knew stuff about her personal life
16 personally on the outside of work that I doubt they
17 knew about many other caseworkers down there.

18 Q. And from what you observed, Mrs. Varner liked Gary as
19 well; is that correct?

20 A. She was polite to him. I assume she liked him.

21 Q. Did you observe a degree of friendship on Mr. Graham's
22 part that was disproportionate to the degree of
23 friendship Mrs. Varner displayed?

24 A. Well, he was her supervisor so he would, like, initiate
25 more of the contact. But that might have been just

1 based on his role with her. So I don't have any direct
2 answer to give that, I mean, he might have seemed more
3 friendly, but again, he was her supervisor and he would
4 have to initiate some of the conversations.

5 Q. In other words, when she worked at CYS he was not her
6 supervisor; is that correct?

7 A. Correct.

8 Q. But you observed them being good friends when she was
9 at CYS; is that correct?

10 A. I remember him talking with her a lot. And I remember
11 meeting her up in our office, and I think it was when
12 she was up there to talk with Gary.

13 Q. Would you again, though, characterize your observation
14 of them while Mrs. Varner was at CYS as two people who
15 were good friends?

16 A. Friends, yeah. I think they became better friends when
17 they -- I thought they became better friends once she
18 started in Probation.

19 Q. Was there any advantage to having Mr. Graham like you?

20 A. Yes.

21 Q. And what was that?

22 A. Your stress level. You wouldn't be on the punishment
23 list. I mean, when Gary didn't like you, your life
24 could be miserable.

25 Q. Because?

1 A. Because he's mean, he's vengeful, and he was a
2 supervisor. I mean, he had some role of authority over
3 us.

4 Q. Did you observe Mr. Graham raise his voice to people?

5 A. Yes.

6 Q. Yell at them?

7 A. I heard him yell at other people, yes. Not to Barb.

8 Q. Is he indiscriminate in yelling at both men and women?

9 A. Yes.

10 Q. Is he indiscriminate in being rude to both men and
11 women he dislikes?

12 A. Yes.

13 Q. Is he indiscriminate in attempting or threatening to
14 punish people he doesn't like?

15 A. Yes.

16 Q. He treats both men and women equally poorly? You would
17 agree with that statement?

18 A. Yeah, I would say. He might be a little -- I would say
19 with the women he -- with some women he's not as
20 overtly mean to.

21 Q. Between '89 and Mrs. Varner's arrival, you never
22 observed him to sexual harass another woman there; is
23 that correct?

24 A. No.

25 Q. Did Mr. Graham ever acknowledge to you or did you ever

1 hear from other persons in Probation Mr. Graham
2 acknowledge an affair with any woman or relationship
3 with any woman other than his wife?

4 A. He talked about stuff that happened prior to his
5 marriage.

6 Q. But did he talk about any instance of infidelity that
7 you ever heard of?

8 A. No.

9 Q. Even by rumor?

10 A. No.

11 Q. Did he to your knowledge appear sexually interested in
12 any women other than his wife at any time prior to the
13 split?

14 A. I'm sorry, I didn't hear you.

15 Q. Did he appear sexually interested in any woman at all
16 other than his wife prior to the split?

17 A. I mean, he talked about other women. I mean, he talked
18 about other women. I don't know what his interest in
19 them, outside of just men talking, what his interest
20 was.

21 Q. When you say he talked about other women, are you
22 including Mrs. Varner in that group?

23 A. I don't recall him talking about Mrs. Varner in any way
24 to me.

25 Q. He would evaluate other women in the context of how

1 sexually attractive they were?

2 A. I remember him one time saying about an intern had nice
3 legs, that kind of stuff. But I never heard him say
4 anything about Barb Varner.

5 Q. Now, during the period of time that you shared the
6 office with Mrs. Varner, am I correct in assuming
7 Mrs. Varner never complained to you about Graham?

8 A. No, just the one thing about I remember about the card,
9 that she was kind of like laughing and complaining. I
10 mean, that was just how Gary was. He was always, like,
11 quick and hyper, and I mean, we joked about that.

12 Q. Did Mrs. Graham ever acknowledge to you what you
13 observed, that Gary tried to involve her in as many
14 things as --

15 MS. WALLET: Excuse me. You asked about
16 Mrs. Graham. Did you mean that?

17 MR. DELLASEGA: I meant Mrs. Varner.

18 THE WITNESS: Okay, did Mrs. -- no. She never
19 talked to me. About what --

20 BY MR. DELLASEGA:

21 Q. Gary wanting her to go everywhere with him.

22 A. She would just say "I have another trip with Gary," but
23 she never, I mean, talked about it other than like a
24 day-to-day routine sort of way.

25 Q. Never complained about having to go anywhere with

1 Graham; is that correct?

2 A. No.

3 Q. Mr. Graham cuss in the office?

4 A. Yeah. Yes.

5 Q. Is that a rarity in your office?

6 A. No.

7 Q. Was he typical of many others in that respect?

8 A. Yes.

9 Q. Within Probation would you describe for me your
10 understanding as to how seniority affects your ability
11 to be promoted?

12 A. That has always, up until we're speaking, been how
13 promotions have taken place.

14 Q. Strictly based on seniority?

15 A. Correct.

16 Q. Without any other consideration?

17 A. Correct.

18 Q. Are you able to identify any junior person who was
19 promoted over somebody with more seniority?

20 A. Not since I've worked there. But then again, I mean,
21 it hasn't happened since I've been there. And
22 promotions just don't happen very often, just based on
23 longevity. There aren't many positions to be promoted
24 to.

25 Q. Have you ever seen anywhere in writing that seniority

1 plays a role in promotions?

2 A. Played a role?

3 Q. In being promoted.

4 A. Just seniority lists come out periodically. And I
5 mean, we just always have assumed, like, when Ken
6 retired we would know who -- we knew who would move up.
7 I mean, it wasn't even an issue of interviewing or
8 posting the job.

9 Q. Other than your assumption, in other words, you've
10 never seen any written document that says people will
11 be promoted in order of seniority?

12 A. No.

13 Q. And other than your assumption, you've never been told
14 orally by any supervisor, have you, that people are
15 being promoted solely in order of seniority?

16 A. No.

17 Q. So you're basing your assumption on past practices?

18 A. Correct.

19 Q. Past experience, correct? And only on that?

20 A. Correct.

21 Q. To your knowledge does Mrs. Varner read Redbook
22 magazine?

23 A. I don't have any idea.

24 Q. You never talked about it with her?

25 A. I know she gave me a copy of an Oprah magazine once,

1 but I don't know anything about Redbook.

2 Q. The usage of the phraseology Barb 1 and Barb 2, was
3 that something that existed while Mrs. Varner was at
4 CYS as well as when she was in the Probation office?

5 A. I don't remember when it started.

6 Q. Do you recall it being something that lasted for a
7 period of years?

8 A. I'm going to guess yes, but that's all I can remember.

9 I mean, I don't remember how long it was used or --

10 Q. Do you recall it ever being use jocularly?

11 A. That's kind of how I assume that it was.

12 Q. And your understanding of the reason for it being used
13 was because there was a frequency of calls from both
14 Barbara Graham and Barbara Varner to Gary?

15 A. Correct.

16 Q. Never heard the phrase jahoobeas used in your office?

17 A. I heard that it was used. I didn't -- I've never --
18 I've heard it because people have told me a story of
19 other people who have used it, but I never -- no one
20 said anything to me directly.

21 Q. The same question for peter meter.

22 A. No, I never heard that.

23 Q. Have you ever heard a woman being referred to as having
24 a nice bush?

25 A. No. If it -- I mean, maybe with clients, but not

1 from -- I mean, not from professional staff that I
2 worked with.

3 Q. Do you recall a bomb scare that resulted in the
4 evacuation of the courthouse last year?

5 A. There was a couple of them, yes.

6 Q. More than one?

7 A. Yes.

8 Q. On those occasions do you have any understanding of who
9 is responsible for evacuating the Probation Department?

10 A. The first one, Mike Varner got us out of the building.
11 He's an Adult supervisor.

12 And I think the next one I was not in the building
13 that day. I was at a training in Harrisburg.

14 And then the third one, Lyle Herr got us out of
15 the building for.

16 Q. Is there any formal protocol that you know of for who
17 is responsible for seeing that --

18 A. After the first bomb scare, the Adult side came up with
19 a protocol for getting people out.

20 Q. And what is that?

21 A. We have a new sign-out sheet that's by our secretary,
22 and you have to put when you're leaving, when you're
23 returning so they know who is in the building and
24 who's, like, out, because we're out quite a bit of the
25 time. And one of the supervisors will get us out of

1 there and someone has this master list.

2 I know the third one, bomb scare, I had the master
3 list and I had to keep account of everybody who was
4 there. And we all went down to the old movie theater.
5 And then I had to take ROLL call again.

6 Q. Has Mrs. Varner ever discussed with you being left in
7 the building during a bomb scare?

8 A. I knew afterward that she had, but I wasn't in the -- I
9 wasn't working in the courthouse that day, I was at a
10 training at PennDOT building.

11 Q. You referred to three bomb scares. Do you know whether
12 the one where Mrs. Varner was left in the building was
13 number one, two or three?

14 A. I think it was two, because I think I wasn't there the
15 second one. I know I wasn't there. I know I wasn't
16 there the day that that happened.

17 Q. Have you ever heard from anybody in Juvenile Probation
18 as to whether they have a protocol similar to Adult
19 Probation's for evacuation of the building during bomb
20 scares?

21 A. No, I haven't. I know on Juvenile Probation and Adult
22 we're kind of, like, have different buildings,
23 different offices. And she and some other Juvenile POs
24 are on my side. So I think our Adult supervisors have
25 been the only ones who have gotten them out just based

1 on luck.

2 Q. When you filed your '93 Complaint were you aware at
3 that time of whether or not a formal policy existed
4 regarding sexual harassment complaints?

5 A. There was a policy in the county manual that I assumed
6 that I followed to file my complaint.

7 MR. DELLASEGA: That's all.

8 BY MS. WILLIAMS:

9 Q. Ms. Houser, my name is Taylor Williams. I represent
10 the Ninth Judicial District Court of Common Pleas of
11 Cumberland County. The same guidelines apply as you
12 discussed with Ms. Blanchard in my questioning.

13 A. Okay.

14 Q. Did you ever talk with Judge Sheely about your 1993
15 Complaint against Mr. Osenkarski?

16 A. No.

17 Q. Did you ever complain to Judge Sheely about any of the
18 comments or concerns you testified to in the
19 deposition --

20 A. No.

21 Q. -- as to either Gary Graham --

22 A. No.

23 Q. -- or Joe Osenkarski?

24 A. No.

25 Q. Did you ever complain to Judge Hoffer about any of the

1 concerns or comments --

2 A. No.

3 Q. -- as to Gary Graham?

4 A. No. Never talked to him about Gary Graham or Joe.

5 Q. Or as to Joe. You testified that the DUI issue was
6 taken to Judge Sheely. Do you remember that testimony?

7 A. Yes.

8 Q. How do you know that?

9 A. Because I was there. Ken Bolze and I went up to Judge
10 Sheely about that.

11 Q. So you actually heard Judge Sheely speak on the issue?

12 A. That one time, yes.

13 Q. What precisely did he say?

14 A. Just pretty much that, okay, we won't pay the DUI
15 instructors, we won't stop to pay the DUI instructors,
16 we'll just keep it the way it is. Now, those weren't
17 his exact words but that was the gist of what came out.

18 Q. Did he ever issue an order or a written memo related to
19 that subject?

20 A. I don't know. I didn't -- I've never taught DUI school
21 so I wouldn't have been given a memo.

22 I think, well, I think maybe a memo -- well, I
23 guess maybe something came out that the original memo
24 was what was going to be in effect, that DUI
25 instructors would get paid first.

1 Q. Do you have a copy of that?

2 A. No.

3 Q. Do you recall when that might have come out, what date?

4 A. No.

5 Q. Did Barbara Varner ever tell you any conversations she
6 had with Judge Sheely about her allegations?

7 A. The only conversation I know she had with him was, I
8 don't remember when, but I think Judge Sheely called
9 her up to his office, and I don't know exactly what he
10 said, but that Gary had told his wife Barb that they
11 had been having an affair. And pretty much of what I
12 remember is Judge Sheely dropped everything or said he
13 wasn't going to do anything.

14 Q. Did she say anything else about her conversation with
15 Judge Sheely?

16 A. Not that I recall.

17 Q. Have you ever talked with her about any conversation
18 she might have had with Judge Hoffer regarding her
19 allegations of harassment?

20 A. Oh, okay. About the bomb scare. I don't know if she
21 had conversation -- I know there was some finagling
22 over she was going the stay on one side versus the
23 other. I know that Judge Hoffer was involved with
24 that.

25 Q. What specifically did she tell you?

1 A. I remember something about having to put in writing why
2 she wanted to move down to the other end and how long
3 she thought that would have to last.

4 Q. What did you say to her when she told you this?

5 A. I asked her why. Nobody else has to ask or put in
6 writing when they move down to the other end.

7 Q. How do you know that?

8 A. They haven't. I mean --

9 Q. You know of no other?

10 A. Right.

11 Q. But would you be in a position to know whether anyone
12 had to do that or not?

13 A. The people I know down there haven't been asked to put
14 it in writing. It's just, like: Your office is being
15 moved.

16 Q. Are you aware of Ms. Varner's complaints against
17 Barbara Graham?

18 A. Against Barb Graham?

19 Q. Yes. Do you know whether or not she swore out a
20 criminal complaint against Barbara Graham?

21 A. Oh, yes. About something that happened in the parking
22 lot? I'm asking you questions. Something allegedly,
23 something happened in the Eagle's parking lot.

24 Q. So you know there was an issue between Barbara Graham
25 and Barbara Varner?

1 A. Right. I don't know too much about it.

2 Q. Do you know if she complained, if Barbara Varner
3 complained to Judge Hoffer about being harassed by
4 Barbara Graham?

5 A. I don't know that.

6 Q. Did you ever have any conversations with Barbara Varner
7 about Judge Guido?

8 A. About a position that was opening or opened that Judge
9 Guido was interviewing her for.

10 Q. What specifically did she tell you, do you know?

11 A. Just that she had met with him, and I think there was
12 some other people who, like, would be involved with it
13 who she had met with as well.

14 Q. You don't have any firsthand information about the job
15 that she discussed with Judge Guido?

16 A. I know it exists. I still don't know what it is.

17 Q. You weren't involved in any of the plans for that job?

18 A. No, none at all.

19 Q. Did you ever hear Gary Graham use profanity
20 specifically toward Barbara Varner?

21 A. No.

22 Q. At some point did you talk to an EEOC investigator
23 about the charges that Barbara Varner had brought?

24 A. Yes. Someone called me at home.

25 Q. Did you tell that investigator anything different than

1 you've told us today --

2 A. I don't believe.

3 Q. -- to your recollection?

4 You testified that Joe and Gary knew more about
5 Barbara Varner's personal life than they knew about
6 other probation officers. Am I correctly --

7 A. Yes.

8 Q. -- characterizing that testimony? How did they know
9 that?

10 A. Personal information I guess from a lot of contact with
11 her.

12 Q. Did she ever tell you personally that they knew a lot
13 about her?

14 A. I just knew from them. I remember talking about
15 student -- Joe talking about student loans, that he had
16 given Barb -- I guess her two kids were in college at
17 the time, and Joe also had one or both of his daughters
18 in college at the time, and he had said he had given
19 Barb some information on student loans that she didn't
20 know about before.

21 Before Barb worked there I didn't really know her
22 very well, but the way that Joe and Gary described her,
23 she was described to me as, like, as at times like
24 Barbie, like an air head, and Joe's, like, I gave her
25 the information on such and such student loans, she

1 owes me.

2 Q. Were you ever led to believe that Barbara Varner had
3 shared personal information with Joe Osenkarski and
4 Gary Graham?

5 A. I mean, I don't -- she must have. I mean, I don't
6 think they hired a detective to find that out.

7 Q. You told us about a Santa Claus joke that you had told.

8 A. Yes.

9 Q. Did you ever tell any other off-color jokes in the
10 workplace?

11 A. I don't recall of any, no.

12 Q. Did you ever tell anyone that Joe Osenkarski was
13 supportive and helpful when you sought out assistance?

14 A. When I needed stuff on an -- information on a case
15 about a placement or a question, I always I can say I
16 got good answers from him.

17 Q. Do you know a probation officer named Paul?

18 A. Paul Meuron.

19 Q. Did you ever say in a group of other probation officers
20 that Paul was living through his penis?

21 A. No. I mean, I know what you're referring to, but
22 that's not what was said.

23 Q. Okay. It sounds like you have a different version.
24 Will you tell me that version, when those words were
25 used Paul is living through his penis?

1 A. What was said was in an open lobby of our then office,
2 the Juvenile, that was then the Juvenile side. There
3 was a group of people, men out there. Paul was one,
4 and Ken Bolze, the chief, was there, and I'm going to
5 guess Gary was there. And the guys liked to talk about
6 what they -- what were their past sexual experiences,
7 their present ones. You know, whether they were true
8 or not, I don't know. But Ken enjoyed these stories.
9 And I was sitting there listening to it and I said that
10 it's ridiculous that Ken lives vicariously through
11 Paul's penis.

12 Q. Did you ever make any complaints about those
13 conversations?

14 A. No.

15 Q. Did you ever talk to Judge Sheely about Barbara Varner?

16 A. No.

17 Q. Did you ever talk to Judge Hoffer about Barbara Varner
18 or any of her allegations?

19 A. The only thing that was ever said was Judge Hoffer came
20 down to where I am now, into the side that I'm in now
21 and was looking for our chief and supervisor. And he
22 said to me something, if I have any business with Barb
23 Varner could I keep it at the other end.

24 Q. Okay. And what did you say?

25 A. I said sure. He's my boss. I mean, I didn't have a

1 problem with that.

2 Q. Did Judge Hoffer tell you why he wanted you to do that?

3 A. I don't think much more than that was said. He talked
4 to me about another job opening in the office and
5 talked about that. I mean, Judge Hoffer just isn't
6 real communicative, so I mean.

7 Q. Did you have an impression from other sources as to why
8 you were asked to, as you say, keep business with Barb
9 at the other end?

10 A. Just because at the time the courthouse was being
11 remodeled and Barb Graham was on that side as well.

12 Q. Did you ever have any impression that he was trying to
13 keep Barbara Varner and Barbara Graham separate to
14 eliminate conflict between the two women?

15 A. That was what I perceived.

16 Q. Do you know if Barbara Varner ever took an examination
17 to become a DUI instructor?

18 A. I assume she did. She teaches DUI.

19 Q. Do you know if she ever failed such an exam?

20 A. I don't know.

21 MS. WILLIAMS: That's all I have for you. Thank
22 you, Ms. Houser.

23 BY MR. DELLASEGA:

24 Q. I have one. During the period of time you were office
25 mates, can you think of anybody in Probation who would

1 have had a better vantage point than you to observe the
2 interactions between Graham and Varner?

3 A. Joe, maybe.

4 Q. Anybody else?

5 A. Maybe Debra Green. I don't know. She did a lot -- her
6 and Deb Green were on the same grant position when they
7 started, so they had a lot of contact with each other.

8 MR. DELLASEGA: That's all.

9 BY MS. WALLET:

10 Q. Mrs. Houser, my name is Debra Wallet. We've met
11 before.

12 After you filed your Complaint in 1993, did you
13 believe that there was any retaliation against you?

14 A. I was first concerned about it when I found out that
15 Joe had called all my co-workers on the phone.

16 Q. And why did people tell you that Joe had called them?
17 If you know.

18 A. I'm assuming because they were scared for me.

19 Q. Did you think at that time that you had reason to be
20 scared?

21 A. Well, Joe is my boss. I was concerned that way.

22 Q. Do you know who the secretary was who overheard the
23 comments about the cunt club?

24 A. Ronna Boyles.

25 Q. Did you ever receive the apology that Mr. Osenkarski

1 was directed to give?

2 A. He in my old office, it was Ken Bolze, myself and Joe,
3 he read me something that he had prepared.

4 Q. And when you say he, you mean Mr. Osenkarski?

5 A. Joe, yes. I'm sorry.

6 Q. He read it to you?

7 A. Yes.

8 Q. Do you remember what it was?

9 A. No, I don't remember what it said. The only thing I
10 remember that stood out was something that, he said
11 something about that I should know that he has always
12 had good relationships with women.

13 Q. Did you believe that to be the case?

14 A. I just kind of thought it was amusing.

15 Q. Why?

16 A. Because I just -- maybe he perceives that he does, but
17 I just think he can be very degrading towards women.

18 Q. Did you believe the atmosphere under Mr. Osenkarski's
19 supervision was a professional one for women?

20 MR. ADAMS: Objection as to form, professional
21 atmosphere.

22 BY MS. WALLET:

23 Q. Do you understand the question, Ms. Houser?

24 A. I could deal with Joe if I needed something, a
25 professional question, I could get an answer that I was

1 confident with. There at times was other conversation
2 that wasn't necessary.

3 Q. Was it a comfortable employment relationship for women
4 in the office?

5 A. I mean, I can only speak for myself, but, I mean, and
6 for me a lot of the time it was uncomfortable just
7 because I got on Joe and Gary's bad side.

8 Q. Can you pinpoint any time when things became
9 uncomfortable for you?

10 A. I mean, I can say definitely 1993.

11 Q. And do you know what might have triggered the change in
12 attitude toward you?

13 A. Well, because I filed a Complaint.

14 Q. So before your filing the Complaint it was okay, and
15 after that it was not so okay?

16 A. Well, I don't remember specifically, but I mean, I
17 assume I wasn't one of Joe's favorites at the time,
18 and -- but I mean, professionally if I needed
19 something, he would give me an answer, so I didn't
20 really pay too much attention to him.

21 Q. The attempt that you described earlier that
22 Mr. Osenkowski made to kiss you, was that before or
23 after you filed your Complaint?

24 A. Before.

25 Q. Had he given you any other indications that he might be

1 interested in you sexually?

2 A. No.

3 Q. Now, have you provided a copy of your Complaint, your
4 1993 Complaint, to Barb Varner?

5 A. Yes.

6 MS. WALLET: Let's mark that as Deposition 1.

7 (Houser Deposition Exhibit No. 1 was marked.)

8 BY MS. WALLET:

9 Q. This document consists of four pages. Would you tell
10 me what those four pages are?

11 A. The first two are just a copy of my Complaint. And the
12 last two are, is a copy of the letter that Ken Bolze
13 wrote as the resolution to the Complaint.

14 Q. And you gave this to Ken Bolze. Why did you do that?

15 A. My recollection is that's what the -- I had made an
16 oral complaint, which is the first, what I remember is
17 the first step in the county policy. And then I think
18 the second step was a written complaint.

19 Q. And when you made your oral complaint to
20 Mr. Osenkowski, was the --

21 A. I didn't make it to Mr. Osenkowski. I made it to Ken
22 Bolze.

23 Q. I'm sorry. When you made your complaint to Mr. Bolze,
24 what exactly was your complaint?

25 A. I don't remember specifically. Just what I had heard

1 was said.

2 Q. You told him about the reference to the cunt club?

3 A. Right.

4 Q. And what did you expect him to do as a result of your
5 complaint?

6 A. I don't remember, but I just remember thinking
7 something should happen.

8 Q. You said in your complaint, your written complaint to
9 Mr. Bolze: I am afraid of repercussions stemming from
10 my complaint. That's paragraph 3 here on page 1.

11 Why did you say that?

12 A. Well, because he was my boss, and I mean, when Ken
13 left, I mean, he could -- he was next in line to be
14 chief. He could get rid of me.

15 Q. You mentioned that there were references to punishing
16 people in the office. Would you describe for us what
17 you understood punishment to be?

18 A. My understanding was that you would get more cases or
19 the cases with, like, a lot of victims in it, just
20 cases that had more work involved.

21 Q. Did people say in the office: There will be punishment
22 as a result of this?

23 A. They would joke about, oh, I must be getting punished,
24 I got this many cases, that sort of thing.

25 Q. And were there statements by individuals indicating

1 that punishment might be meted out?

2 A. Might be what?

3 Q. Meted out?

4 A. I don't recall.

5 Q. Do you remember having your conversation with the EEOC
6 investigator in which you said that GG was a vindictive
7 type of person who used phrases such as punish for
8 those who were disloyal, Joe had the same attitude?

9 A. I don't recall specifically saying that but I know I've
10 said it today. I'm sure I did say it. I don't know
11 how long ago the interview was. I believed that.

12 Q. Why do you believe that?

13 A. All I can tell you is just based on working with them
14 for a number of years.

15 Q. I'm looking again at the notes from your interview back
16 in March of 2000 with the EEOC. These notes say you
17 firmly believe that all this with BV is a result of GG
18 not getting his way with her. He is that type of
19 person.

20 Do you believe you told that to the EEOC
21 investigator?

22 A. Yes.

23 Q. Why?

24 A. For whatever reason, Barb wasn't doing what Gary
25 wanted, and he turned against her.

1 Q. Did you have any evidence at all that there was an
2 intimate relationship between Barbara Varner and Gary
3 Graham?

4 A. No.

5 Q. You said you were surprised when you heard that that
6 was the confession that Mr. Graham had made. Why were
7 you surprised?

8 A. I mean, I had shared an office with Barb and I've
9 worked there for years and know that that kind of stuff
10 is talked about, and I just -- I'm thinking if that
11 were true, Barb certainly wouldn't have wanted it to
12 come out. She wouldn't have -- I mean, there would
13 have been no point in her filing a Complaint or she
14 would have revealed it beforehand.

15 Q. Do you believe that Barb Varner had an intimate
16 relationship with Gary Graham?

17 A. No.

18 Q. Why not?

19 A. I just know Barb. And I like I said, I don't believe
20 Gary -- that it would have been a secret to everybody
21 if Gary were involved.

22 Q. Now, you told the EEOC investigator, according to these
23 notes, and what I'm really asking you, Ms. Houser, is
24 are these notes accurate? Gary Graham goes around
25 saying that Barbara Varner is lying and that he's

1 coming back to Probation which scares Barbara Varner.

2 Do you remember saying that?

3 A. He's never said that to me but I've heard that he's
4 said that.

5 Q. And did someone tell you that he said that?

6 A. I heard it from, I think Denny Drachbar.

7 Q. Do you think Barbara Varner was scared in or around
8 March of 2000 of Gary Graham?

9 A. Sure. I'm sure she still is.

10 Q. Do you think her fear is justified or unjustified?

11 A. I would say justified.

12 Q. Why?

13 A. Just based on Gary's -- I mean, he can be mean.

14 Q. Can you give me any examples of how he has been mean?

15 A. I heard him yell at District Justice Correal at one
16 time, I mean, just ranting and raving at her.

17 I heard him one time go off on a probation officer
18 because he parked in Gary's spot for an hour when Gary
19 was signed out for the day, and Gary said he owed him
20 15 cents or something. I mean, just weird stuff.

21 Q. Have you heard Mr. Graham make any threats about John
22 Ward?

23 A. He on the phone to me has said stuff about -- we had
24 one conversation where I don't know why but John Ward's
25 name was brought up.

1 Q. What do you recall about that conversation?

2 A. We were talking about work, a work-related thing, and
3 that's all Gary and I have talked about in years, and
4 he was talking about something with medical benefits
5 and married people. And it didn't affect me. And he
6 said something about John Ward's going to get his for
7 doing that to married benefits.

8 And he said something about Rick Ravino, that he
9 called the commissioners and/or was going to call the
10 commissioners to tell them that if Rick Ravino wants to
11 mingle with prostitutes, because there was something in
12 the paper about Rick Ravino, they could switch jobs.

13 And he said something, he was upset that certain
14 county employees were given extra vacation. I forget
15 what their title is. But Gary being at the prison
16 wasn't eligible for that benefit now and he was upset
17 about that.

18 Q. Back to what we've marked as Deposition No. 1, I'd ask
19 you to look at page 2 of that document. Right before
20 your closing of "your prompt attention to this matter
21 is greatly appreciated," would you look at that
22 paragraph, please, and tell me why you wrote that?

23 A. Tell you why I wrote that paragraph?

24 Q. Yes.

25 A. Just because I just wanted to reiterate that foul

1 language is used in our office. Just police reports --
2 I mean, it wasn't that I get offended by words. It was
3 the way in which it was used.

4 Q. While you were there, and let's say from 1988 through
5 the time of the split in 1996, how many female
6 probation officers were there?

7 A. When I first started there were three: Me and two
8 others. And then I think at one point there might have
9 been four. I forget if, when Julie Staver -- I think
10 there was definitely four. At one point there was
11 four.

12 And then when Barb and Debra came, I think that
13 might have been five. I think that they replaced one
14 of the female probation officers with a male at one
15 point.

16 Now there's a lot of them.

17 Q. Do you know whether the women in the office talked
18 about the atmosphere for probation officers who were
19 female?

20 A. No. The only thing I can recall quickly is the time
21 that a Juvenile position, a female position was getting
22 replaced by a male. That was all.

23 Q. And what was the talk at that time?

24 A. We were just upset about it.

25 Q. Why was that?

1 A. Because it was Betsy Baker and I who would have been
2 left, the other two females. We thought our caseload
3 would be higher. And also, the person who was getting
4 hired had been an intern and had done favors for Joe
5 and we knew that's why he was getting hired.

6 Q. What kind of favors?

7 A. I don't recall specifically. I know there was one
8 intern who loaded firewood for him.

9 I forget what Dirk had to do.

10 Q. Would you say that during the period of time prior to
11 the split that Mr. Osenkarski was a hands-on manager?

12 A. No.

13 Q. How would you describe his supervisory style?

14 A. If you needed something, you went and asked him. That
15 was -- oh, and our cases, like, if we did a PSI or
16 juvenile summary, he would review that and put it back
17 on your desk.

18 Q. What's PSI?

19 A. Presentence investigation. For juveniles we don't, it
20 was called a summary, I think.

21 Q. Did he spend a lot of time in the office?

22 A. No.

23 Q. Where was he?

24 A. I don't know.

25 Q. Was he there on a daily basis?

1 A. I would say most days he was there at some point.

2 Q. Did he work eight hours in the office?

3 A. I don't think often.

4 Q. Did he ever explain why he was out of the office
5 frequently?

6 A. Not to me. I mean, I worked for him.

7 Q. Were there any jokes around the office about where Joe
8 Osenkowski was during the day?

9 A. I don't recall. I don't remember. It was just one of
10 those assumed things that he wasn't there.

11 Q. When he wasn't there, who was in charge?

12 A. Of the Juvenile side would have been Gary.

13 Q. Was it frequent that Gary Graham was left in charge?

14 A. Sometimes.

15 Q. Do you know whether Mr. Osenkowski used office supplies
16 for personal use?

17 A. I don't know -- I mean, I don't -- I never saw him take
18 any. I heard. I was in his car once going to a
19 training and he joked about having Grateful Dead music
20 on an office cassette. But that's the only thing I
21 ever saw.

22 Q. Did you see the cassette?

23 A. Yes.

24 Q. Did you believe it came from the office?

25 A. It was like the Lanier ones that at the time we used

1 for dictating.

2 Q. Did you think that Mr. Osenkowski had a drinking
3 problem?

4 A. I saw him drink a lot. I don't know if he had a
5 problem or not.

6 Q. Did Mr. Osenkowski use the F word?

7 A. I don't know. I don't recall. I can't say I ever
8 specifically remember him saying that.

9 Q. Did Mr. Graham use the F word?

10 A. Again, I don't recall any specific time.

11 Q. Did Mr. Graham show some interest in a woman named
12 Nancy Kessler?

13 A. Yes. That was my supervisor at Children and Youth.

14 Q. What did you observe about the relationship between
15 Mr. Graham and Ms. Kessler?

16 A. I just knew they were friends when I worked at Children
17 and Youth. That's how I first was exposed to Gary.

18 Q. And why did you believe that he was interested in her?

19 A. He came down a lot to talk to her. I mean, I didn't
20 perceive it as -- I mean, I just perceived it as he
21 would come down for work.

22 Q. You don't have any evidence that he had a sexual
23 relationship with Ms. Kessler?

24 A. No. No.

25 Q. I'm back to the document marked Deposition 1 now, the

1 handwritten part that was written by Mr. Bolze?

2 A. That's correct.

3 Q. Do you know what Mr. Bolze did to investigate your
4 complaint?

5 A. He talked to, I know he talked to the two people that
6 are mentioned in here. Other than that, I don't recall
7 what all he did. I know he talked to, I think it was
8 Dan Hartnett at the time, or someone with the county,
9 but I don't recall specifically or what they would have
10 talked about.

11 Q. You didn't actually speak to Judge Sheely about this
12 matter, correct?

13 A. I didn't, no.

14 Q. Did Mr. Bolze tell you that he had provided a copy of
15 this Complaint to Judge Sheely?

16 A. He never told me he gave a copy of the Complaint to
17 Judge Sheely. When I first made an oral complaint to
18 Ken, he said something to Judge Sheely, and Judge
19 Sheely said, well, that's certainly hunting camp talk
20 and doesn't belong in the office, and he kind of told
21 Ken to tell me to drop it or something.

22 Q. Is that what Mr. Bolze relayed to you, that you ought
23 to just drop it?

24 A. Not in that many words, but pretty much that Judge
25 Sheely was, like, that's hunting camp talk, he

1 shouldn't say that, but kind of like, oh, well.

2 Q. When you found out that Judge Sheely accepted the
3 information from Mr. Graham that he had had a sexual
4 relationship with Ms. Varner, were you surprised at
5 that?

6 A. I was just surprised about everything, about the whole
7 allegation, that he accepted it and that for some
8 reason that would dismiss any other allegations.

9 Q. You had prior service with the county and Children and
10 Youth, correct?

11 A. Right.

12 Q. And did you understand there to be a seniority issue
13 involving whether you were given credit for prior
14 county service outside the Probation office?

15 A. When I was hired I was given credit for my time worked
16 as a prison guard and as a Children and Youth worker.

17 Q. And when you were hired did you understand that to be
18 the policy in the Probation office?

19 A. At the time it was the policy.

20 Q. And did you see seniority lists that gave you credit
21 for your time prior to your time in Probation office?

22 A. Yes.

23 Q. And at some time was there a change in that policy?

24 A. The Juvenile side, that change happened after I left on
25 the Adult side. The change happened six months ago,

1 maybe eight months ago.

2 Q. Okay. So after the split, you went to the Adult
3 side --

4 A. Correct.

5 Q. -- correct? Why did you go to the Adult side?

6 A. Because I didn't want to work with Joe and Gary.

7 Q. Why not?

8 A. I really felt very strongly that would be their
9 opportunity to fire me and that they would make my life
10 difficult.

11 Q. And when you went to the Adult side, were you still
12 given credit for your time outside the Probation office
13 but time with the county?

14 A. Yes.

15 Q. And you say that that lasted until about six months
16 ago?

17 A. Six to eight months. I forget when the policy changed.

18 Q. And how was the policy changed?

19 A. That seniority is based on office seniority. And I
20 think how it works, too, is you can get credit for
21 experience worked in other probation offices, but not
22 other county offices.

23 Q. When you left the Juvenile side and went to the Adult
24 side, was there anyone other than Barbara Varner who
25 was in the position of having prior county service

1 outside the Probation office?

2 A. When we split?

3 Q. Yes.

4 A. Gary, Lyle. I think that's all.

5 Q. Do you remember the EEOC investigator asking you
6 whether you thought that Juvenile seniority was changed
7 because of Barb Varner?

8 A. Um-hum.

9 Q. Do you remember what your response was at that time?

10 A. I thought that's why it was changed.

11 Q. And why did you think that?

12 A. Just the timing of it just seemed unusual and how long
13 it had been in effect, the old policy.

14 Q. Do you still believe that today?

15 A. Probably, but then the Adult side was switched, too, so
16 it would have happened probably now if it hadn't
17 happened then.

18 Q. You said you had been to some sexual harassment or
19 sensitivity type training. Do you remember going to
20 any training in October of '97 that was sponsored by
21 Mazzitti and Sullivan?

22 A. I remember, I think so.

23 Q. Do you remember observing anything at that time between
24 Barbara Varner and Gary Graham?

25 A. No.

1 Q. In the office, among the men particularly, were there
2 references to sexual matters in the office during the
3 working hours?

4 A. I mean, not on a daily basis, but I heard a couple
5 stories.

6 Q. Do you remember any stories about Gary Graham and a
7 strip club?

8 A. I'm going to guess it has to do with a football game
9 that him and some other POs used to go to at the time
10 in New York, I think it was Buffalo. And I don't know
11 exactly what, it was something, Gary and the other
12 people tried to tell me this story, that they were at a
13 strip club and for some reason Gary had to go to the
14 emergency room when they got back for an enema or
15 something because he had trouble at the strip club.

16 Q. Do you know why he told you this?

17 A. I mean, it wasn't just me. He told a variety of
18 people. I don't know why.

19 Q. Do you remember any talk between Mr. Osenkowski and
20 individuals in the office about his wife or about sex?

21 A. He talked about his ex-wife a lot, when they were
22 getting a divorce, after the divorce.

23 Q. Do you remember any references to hysterectomies?

24 A. He never made a reference to that to me, I don't think.
25 Oh, maybe he did say something at a training, that his

1 ex-wife wasn't the same after her hysterectomy, that
2 her mind changed or something. I don't know if he said
3 it to me, but I heard that story through other people.

4 Q. You didn't actually hear it?

5 A. I don't recall.

6 Q. Did you ever hear Mr. Graham talk about a woman coming
7 to his house with only a trench coat on?

8 A. Yes.

9 Q. What do you remember about that?

10 A. I don't know her name but it was someone who both Joe
11 and Gary were kind of interested in, and she somehow
12 for whatever reason came to Gary's house with just a
13 coat on, the trench coat on.

14 Q. Do you know why Gary Graham was talking about this in
15 the office?

16 A. I assume because he was proud of it or happy about it.

17 Q. Did Mr. Graham talk about his wife and their sexual
18 relationship in the office?

19 A. No. Not to me.

20 Q. Did he ever make a comment to you about men and women
21 in Newville?

22 A. Oh, yes. One time there was a group of probation
23 officers in, it was Paul Meuron's office, and Gary told
24 us that the night before his wife was on the phone with
25 a friend and Gary was waiting for her to come back to

1 bed, and she didn't come, and he finally fell asleep.
2 And the next morning he asked her what she was talking
3 about with this friend, and she made the comment
4 "nothing that concerns you." And I looked at him and
5 said, "what's the problem?" And he said, "Kerry, in
6 Newville you don't understand, men own their women."
7 And I reminded him of that a couple times, that he had
8 said that.

9 Q. Did Ms. Varner ever talk to you about the physical
10 problems that she was having?

11 A. I knew she had a hysterectomy and I know she has some,
12 still has had some stomach problems.

13 Q. What did you observe about her work efforts after let's
14 say 1996?

15 A. She appears hard-working and conscientious.

16 Q. Do you have occasion now to work with her on a
17 professional basis?

18 A. No, we haven't. I mean, we could, to my knowledge --
19 well, I think we've had, maybe she's had a juvenile and
20 I've had, like, the boyfriend of the adult, but -- and
21 we did have one case together, a woman who was addicted
22 to pills and Barb I think had her daughter, now that I
23 remember. But it's rare.

24 Q. And where is your office physically located now?

25 A. Physically on the east wing, third floor.

1 Q. And Ms. Varner's office is somewhere close to yours
2 now?

3 A. Yes.

4 Q. Do you know whether individuals in the Juvenile
5 Probation Office have occasion to visit the third floor
6 of the east wing? Let's talk about a period of time
7 after the split but before she moved her office there.

8 A. To visit down there?

9 Q. Yeah.

10 A. They would, I mean, some Juvenile probation officers
11 were down there after I think the stenographers got
12 settled in their office. Juvenile Probation officers
13 were down on that side.

14 Q. Do you know about Ms. Varner's restrictions in going
15 into certain places in the courthouse?

16 A. I think Barb had told me she wasn't allowed down there,
17 or wasn't supposed to be down there. I don't know what
18 her words were.

19 Q. Would there be any reason why someone might need to go
20 there if one were a probation officer?

21 A. If she had to talk to some of the Juvenile POs I would
22 assume she would have to go down there.

23 Q. Ms. Houser, are you fearful of retaliation now?

24 A. No.

25 Q. Are you happy in your position in the Adult Probation

1 Office?

2 A. Yes.

3 Q. How would you compare the atmosphere in the Adult
4 Probation Office with your prior atmosphere in the
5 Juvenile Probation Office?

6 A. Totally different.

7 Q. What do you mean by that?

8 A. It's calm, it's relaxed. There's no yelling,
9 screaming, doors slamming.

10 Q. Is this a preferable or not-as-preferable relationship?

11 A. For me it's preferable.

12 MS. WALLET: That's all the questions I have.

13 BY MS. BLANCHARD:

14 Q. I have a question going back to the statement to the
15 EEOC in which you said that all of this with Barb
16 Varner is the result of Gary Graham not getting his way
17 with her.

18 What did you mean by not getting his way with her?

19 A. I think what it was, after Barb had told me what had
20 happened at Penn State, when Gary wanted her to go out
21 with him a couple nights, or that he got -- that that's
22 when she pinpointed that he really started getting
23 angry.

24 Q. And do you know what Mrs. Varner meant by going out
25 with her? Was it out for drinks with the group? Was

1 it out on a date?

2 A. I don't know what it was.

3 MS. BLANCHARD: Okay. That's all.

4 THE WITNESS: But she declined. She stayed -- she
5 was at the time taking graduate classes and says she
6 stayed in her room to study.

7 MS. WILLIAMS: I have a couple. Were you
8 finished, Kristen?

9 MS. BLANCHARD: I'm done.

10 BY MS. WILLIAMS:

11 Q. Ms. Houser, you never brought a complaint of
12 retaliation to Ken Bolze, did you?

13 A. No.

14 Q. Never brought a complaint of retaliation to Judge
15 Sheely, did you?

16 A. No.

17 Q. Or to Judge Hoffer?

18 A. No.

19 Q. And in fact, that matter was resolved?

20 A. Yes.

21 Q. The 1993 matter. Did you ever talk with Barbara Varner
22 about sex?

23 A. No.

24 Q. Did you ever talk about anal sex?

25 A. No.

1 Q. Oral sex?

2 A. No.

3 Q. You testified to some comments that were made in the
4 workplace about a trench coat?

5 A. Yes.

6 Q. What time period was that, do you recall?

7 A. That would have been maybe '88 to '90.

8 Q. And you testified to something about a strip club.

9 What time period was that?

10 A. I would say the same time period.

11 Q. And you mentioned the men and women in Newville --

12 A. Yes.

13 Q. -- comment. What time period would that have been?

14 A. I would say that would have been '88, shortly after I
15 started.

16 Q. Okay, thank you. You testified that Barbara Varner
17 indicated that she had stomach problems.

18 A. Yes.

19 Q. When did she tell you about stomach problems?

20 A. The office was split. She was on the other side, and I
21 don't know why, I think she was over talking to Ronna,
22 who was -- Ronna Boyles, who was a secretary on the
23 Adult side, and talking to her about stomach problems.
24 And I came up to talk to Ronna, and she had mentioned
25 that she was going to a doctor, that she was having a

1 lot of stomach problems because of anxiety.

2 Q. And at what point was that? 1996?

3 A. '96, '97. Sometime after all this with Gary started.

4 Q. Has she mentioned stomach problems since that time, to
5 you?

6 A. Certain times. She's mentioned that she -- when she
7 gets nervous about things going on, she, her stomach
8 makes flip-flops, or I forget the word that she uses,
9 makes noises or rolls or something.

10 Q. When you say when things happen, what kind of things do
11 you mean?

12 A. I know when she was nervous about Barb Graham or if
13 she's worried about something that might happen with
14 Joe or Gary.

15 Q. When she's worried about cases, specific cases that she
16 has under her --

17 A. Not that she's ever said.

18 MS. WILLIAMS: I have nothing further.

19 MR. DELLASEGA: I have one more.

20 BY MR. DELLASEGA:

21 Q. Why did Adult Probation change their seniority policy?

22 A. I don't know. Just -- I can't answer that. I don't
23 know.

24 Q. Was the change imposed upon the probation officers by
25 the department head? Or was there input given to the

1 department head by individual officers such as
2 yourself?

3 A. I didn't give any input. It just came out at a staff
4 meeting. We got a memo, the county were changing the
5 seniority of the office.

6 Q. There was no explanation of why?

7 A. No. I mean, but it was based on things that had been
8 an issue in the past because some people objected to,
9 for example, me getting credit for three-and-a-half
10 years I served in other offices outside of Probation.
11 It wasn't -- so it was based on arguments that they had
12 heard before, if that makes any sense to you. But we
13 didn't have any ongoing conversations about it at the
14 time. Just we got a memo.

15 Q. The debate that you recall that centered on you, was
16 that at or --

17 A. I didn't have to debate it. I just used me an example.

18 Q. You recall yourself being used as an example. You said
19 people were resentful of you getting three-and-a-half
20 years --

21 A. I'm sure.

22 Q. Was that at or about the time of the split?

23 A. Probably, because there was one probation officer who
24 was affected by that.

25 Q. And do you recall in general seniority being more of an

1 issue at or about the time of the split than later on?

2 A. Probably, because there was quite a few promotions at
3 the time, and that would be the only time it would
4 really be an issue.

5 MR. DELLASEGA: That's all.

6 MR. ADAMS: I have some more questions.

7 BY MR. ADAMS:

8 Q. Is there a reason why you didn't include the incident
9 at Mr. Osenkowski's home in your 1993 complaint?

10 A. Well, because at the time, I mean, that happened in
11 probably '88, and it was '93. I didn't see any point
12 in doing that.

13 MR. ADAMS: Okay. No further questions.

14 MS. WALLET: Thank you very much for your time.

15 MS. WILLIAMS: Thanks, Mrs. Houser.

16 (Whereupon, the deposition was concluded at
17 12:01 p.m.)

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COMMONWEALTH OF PENNSYLVANIA)
) SS.
COUNTY OF DAUPHIN)

I, Emily R. Clark, Reporter and Notary Public in and for the Commonwealth of Pennsylvania and County of Dauphin, do hereby certify that the foregoing testimony was taken before me at the time and place hereinbefore set forth, and that it is the testimony of:

KERRY HOUSER

I further certify that said witness was by me duly sworn to testify the whole and complete truth in said cause; that the testimony then given was reported by me stenographically, and subsequently transcribed under my direction and supervision; and that the foregoing is a full, true and correct transcript of my original shorthand notes.

I further certify that I am not counsel for nor related to any of the parties to the foregoing cause, nor employed by them or their attorneys, and am not interested in the subject matter or outcome thereof.

Dated at Harrisburg, Pennsylvania, this 27th day
of March, 2003.

Emily R. Clark
Reporter - Notary Public

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